[illegible]

MAY 27 2016

OF MONTANA

MONTANA

CODE

ANNOTATED

1981

NOTICE

October 1981

This version of the index contains completed indexes for all titles except Titles:

7	Local Government
39	Labor
53	Social Services and Institutions
72	Estates, Trusts, and Fiduciary Relationships
85	Water Use

Incomplete titles are "mini-indexed" with references to titles, chapters, parts, and major legal concepts, but not to individual sections.

For additional information on the use of the index, please turn to the Preface that follows:

STATE LAW LIBRARY
NOV 17 1981
OF MONTANA

MONTANA CODE ANNOTATED

Adopted by Chapter 1, Laws of 1979

INDEX

Published by the
MONTANA LEGISLATIVE COUNCIL
Room 138, State Capitol
Helena, Montana 59620
Telephone (406–449–3064)

1981

Diana S. Dowling
Code Commissioner

Jacqueline Nichols Terrell
Nadine E. Wallace
Indexers

Valeri Hanson
Index Technician

STATE LAW LIBRARY
NOV 17 1981
OF MONTANA

Copyright
© 1978, 1979, 1981
by
The State of Montana

MONTANA CODE ANNOTATED
1981

CONTENTS

Volume 1

CONSTITUTION

GENERAL LAWS—STATE GOVERNMENT—LOCAL GOVERNMENT

Titles

1. General Laws and Definitions
2. Government Structure and Administration
3. Judiciary, Courts
4. Reserved
5. Legislative Branch
6. Reserved
7. Local Government

8 and 9. Reserved

Volume 2

MILITARY—ELECTIONS—TAXATION
STATE FINANCE AND CONTRACTS
RETIREMENT

Titles

10. Military Affairs and Disaster and Emergency Services

11 and 12. Reserved

13. Elections
14. Reserved
15. Taxation
16. Alcohol and Tobacco } Finances
17. State Finance
18. Public Contracts
19. Public Retirement Systems

Volume 3

EDUCATION—LIBRARIES
RECREATION—CIVIL PROCEDURE
LEGAL RELATIONSHIPS

Titles

20. Education
21. Reserved
22. Libraries, Arts, and Antiquities
23. Parks, Recreation, Sports, and Gambling
24. Reserved
25. Civil Procedure
26. Evidence
27. Civil Liability, Remedies, and Limitations
28. Contracts and Other Obligations
29. Reserved

Volume 4

TRADE AND COMMERCE
FINANCE AND CREDIT
INSURANCE—CORPORATIONS

Titles

30. Trade and Commerce
31. Credit Transactions and Relationships
32. Financial Institutions
33. Insurance and Insurance Companies
34. Reserved
35. Corporations, Partnerships, and Associations

Volume 5

PROFESSIONS—LABOR
FAMILY—CRIME—HUMAN RIGHTS

Titles

36. Reserved
37. Professions and Occupations
38. Reserved
39. Labor
40. Family Law
41. Minors

42 and 43. Reserved

44. Law Enforcement
45. Crimes
46. Criminal Procedure

47 and 48. Reserved

49. Human Rights

Volume 6

HEALTH—SOCIAL SERVICES
TRANSPORTATION—UTILITIES

Titles

50. Health and Safety

51 and 52. Reserved

53. Social Services and Institutions

54–59. Reserved

60. Highways and Transportation
61. Motor Vehicles

62–66. Reserved

67. Aeronautics
68. Reserved
69. Public Utilities and Carriers

Volume 7

PROPERTY—ESTATES
ENVIRONMENT—LANDS

Titles

70. Property
71. Mortgages, Pledges, and Liens
72. Estates, Trusts, and Fiduciary Relationships

73 and 74. Reserved

75. Environmental Protection
76. Land Resources and Use
77. State Lands

78 and 79. Reserved

Volume 8

AGRICULTURE—LIVESTOCK
MINERALS—WATER
FISH AND GAME
PLANNING AND DEVELOPMENT

Titles

80. Agriculture
81. Livestock
82. Minerals, Oil, and Gas

83 and 84. Reserved

85. Water Use
86. Reserved
87. Fish and Wildlife

88 and 89. Reserved

90. Planning, Research, and Development

91–99. Reserved

INDEX

PREFACE AND GUIDE TO USAGE OF INDEX

We have endeavored to make this index most comprehensive and easily usable. Some features that will help you are described below.

CONTINUAL REVISION

The MCA index will be continually revised and will be printed after each legislative session. This is to eliminate obsolete references to repealed laws, to integrate references for new legislation, and to correct references for temporary or amended legislation. Pocket part supplements will not be necessary, as the index will be printed in entirety each time.

MINI-INDEXING

There are a few titles still incomplete in the index and they are treated in a "mini-index" manner. That is, they are indexed by title, chapter, part, and legal concept, but not by individual section. Generally, this method provides enough specificity to easily locate a given area of law. We are eliminating these types of references as quickly as possible. Still incomplete are Titles 7, 39, 53, 72, and 85.

CONSTITUTION

The index of the 1972 Montana Constitution that appears at present is the index that appeared in the R.C.M. and now is located independently with the Constitution. It will be reindexed and integrated with the general index in the future.

FORMAT

Entries appear with variations in type face and indentation to help you easily locate them. Main levels are in all capital letters and bold-faced. Secondary levels under main levels are in initial capital letters and bold-faced. Third to sixth levels are uncapitalized (except "God" and "Montana") and are in regular type face.

Entries appear in strict alphabetical order, with the entire line, exclusive of cross-references, considered. An example:

TAXATION
  Administration, Department of
  Administration of tax laws
  Air and water pollution control equipment
  Air carriers
  Aircraft
  Airlines, See **Air Carriers**
  Airports and landing fields
  Air quality

Cross-references may be easily located by matching type style, eliminating the often confusing "ante/post", "supra/infra", or "above/below" designations. Thus a reference "See **BANKS AND TRUST COMPANIES, Incorporation"** means to go to the main heading **BANKS AND TRUST COMPANIES** and then to the secondary level **Incorporation,** which will appear in the same type style as the "See" line. Or a reference to "See **Hunting licenses**" means to go to the secondary level **Hunting licenses** in the main category you are in, again appearing in the same type style.

POPULAR NAME INDEX

This is a listing by short title or popular name of each act or group of sections having a short title or a popular name, with its code location cited. A separate index, it appears at the end of the general index.

ACTS—CITATION WITHIN INDEX

Each act described in the preceding section on the popular name index is listed by formal and informal name as a main heading in the general index, with code location cited and a cross-reference to where its subject matter is indexed.

STATE AGENCIES AND OFFICIALS

Each agency or state or local elected official is listed in the general index as a main heading, with entries pertaining to all powers and duties. These categories are partially complete at present. There is a complete main category **STATE AGENCIES** for a cross-reference listing of the various agencies.

WORDS AND PHRASES

The main category **WORDS AND PHRASES** is a listing of each word or phrase that is defined in the code. At this time, it includes only words defined in the completed titles, but it is comprehensive to that extent.

TALK TO US!

It is a popular assumption that there is a vast staff working on this index project. There is not. We, the staff, are 2 easily accessible (and rather personable) indexers. Because of this and because we recognize that an "ideal index" is an endlessly pursuable goal, we welcome your complaints and suggestions (and praise too!). As the index is completely reprinted at each printing, it will be possible to continually incorporate some of these suggestions and correct erroneous references, and we encourage you to communicate them to us.

Sincerely,

Jacqueline N. Terrell

Jacqueline Nichols Terrell, Indexer

Nadine E. Wallace

Nadine E. Wallace, Indexer

GENERAL INDEX

See also Constitution Index in Volume 1 and Popular Name Index following General Index.

References are to Title, Chapter, and Section numbers

A

ABANDONMENT

Animals, 45-8-211, See also **LIVESTOCK, Roundup of abandoned horses**
Apiaries, when, 80-6-104
Children, See **Minors**
Child support, See **CHILD SUPPORT, Administrative enforcement**
Cities and towns, abandoned land, See **CITIES AND TOWNS, Exclusion of land**
Counties, See **COUNTIES, Abandonment and consolidation**
Criminal charges for, 45-5-622, 45-8-211
Daly ditch water project, See **IRRIGATION**
Fish restoration and management projects, when, 87-1-703
Game animal carcasses, abandonment unlawful when, 87-1-102, 87-3-102
Gas wells, See **OIL AND GAS**
Highways, 60-2-107, 60-4-208
Homesteads, 70-32-302, 70-32-303
Horses, See **LIVESTOCK, Roundup of abandoned horses**; See also **Animals**
Livestock, See **LIVESTOCK, Roundup of abandoned horses**
Married persons, nonliability for support of spouse when, 40-2-104
Merchandise, 46-6-501
Mines, See **MINES AND MINING**
Minors
  adoption, consent requirement when child abandoned, 40-8-111
  criminal charges when, 45-5-622
  custody
    proceedings, See **CHILD CUSTODY**
    relinquishment as evidence of abandonment when, 40-6-235
  "dependent youth" defined, 41-3-102
  endangering the welfare of, 45-5-622
  evidence of abandonment established how, 41-5-503
  parent-child legal relationship termination, criteria, 41-3-609
  support, See **CHILD SUPPORT, Administrative enforcement**
Motor vehicles, See **MOTOR VEHICLES, Abandoned vehicles**
Oil and gas wells, See **OIL AND GAS**
Personal property, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
Railroads, easements for grain elevators or warehouses abandoned when, 69-14-909
Real property, See **REAL PROPERTY**
Riverbeds, ownership, See **STATE LANDS, Islands and abandoned riverbeds**
School districts, See **SCHOOL DISTRICTS, Elementary districts; High school districts**
Sheep, penalty, 81-5-103, See also **Animals**
Storage, property in, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
Uniform Disposition of Unclaimed Property Act, Title 70, chapter 9, parts 1 — 3, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
Wildlife restoration projects when, 87-1-709

ABDUCTION

  See also **CRIMES, Kidnapping**

Jurisdiction, justice's court excluded, 3-10-301
Rights of personal relations forbid, 27-1-515

ABODE

See **RESIDENCE**

ABORTION

Abortion Control Act, Title 50, chapter 20
Advertising services or facilities unlawful, 50-20-109
Alternatives to, disclosure required, 50-20-104
Citation of Abortion Control Act, 50-20-101
Coercion for abortion unlawful, 50-20-106
Confidentiality of records, 50-20-110
Consent
  defined, 50-20-104
  evidence, 50-20-106
  record, 50-20-110
  required, 50-20-106
Consultation among physicians, 50-20-109
Criminal charges, See **Unlawful practices**
Definitions, 50-20-104
Disclosure to patient, 50-20-104, 50-20-106
Disposition of fetuses and dead infants, 50-20-105
Experimentation on live premature infants unlawful, 50-20-108
Governmental agency may not require, 50-20-106
Health and Environmental Sciences, Department of
  disposition of fetuses and dead infants, 50-20-105
  hospitals performing, licensing, 50-20-109
  reports on, filing with, 50-20-110
  rulemaking authority, 50-20-105
  statistical data, annual publication, 50-20-110
  violations, report to attorney general, 50-20-105
Hospitals performing, licensing, 50-20-109
Informed consent, See **Consent**
Legislative intent, 50-20-102, 50-20-103
Life or health of mother, to protect, 50-20-106, 50-20-108 — 50-20-110
Minors
  consent by inapplicable, 41-1-405
  notice to parents or guardians, 50-20-107
Moral convictions, refusal to participate based on, 50-20-111
Notice to spouse, parent, or guardian of patient, 50-20-107
Offenses, See **Unlawful practices**
Order by governmental agency unlawful, 50-20-106
Pathology reports, 50-20-110
Penalties, 50-20-110, 50-20-112
Physicians performing
  advertising by unlawful, 50-20-109
  consent form, signature on, 50-20-106
  consultation by, 50-20-109
  contrary to law, effect, 37-3-322
  disclosure by required, 50-20-104, 50-20-106
  report by, 50-20-110
  required, 50-20-109
  violations by, as unprofessional conduct, 37-3-322
Place of performing, 50-20-109
Procedure to be used, disclosure required, 50-20-104
Purpose of provisions, 50-20-102, 50-20-103
Records, See **Reporting**
Refusal to participate, 50-20-111
Religious beliefs, refusal to participate based on, 50-20-111
Reporting, 50-20-105, 50-20-110
Research on live premature infant unlawful, 50-20-108
Rights of unborn children, 41-1-103
Rulemaking authority, 50-20-105, 50-20-110

ABORTION (Continued)

Scientific research on live premature infant unlawful, 50-20-108
Short title, 50-20-101
Solicitation of patients unlawful, 50-20-109
Statistical data from reporting, 50-20-110
Time limits for performing, 50-20-109
Unborn children, rights of, 41-1-103
Unlawful practices
  advertising services or facilities, 50-20-109
  attorney general, report to, 50-20-105
  coercion for, 50-20-106
  consent, performance in absence of, 50-20-106
  experimentation on viable fetus, 50-20-108
  homicide, 50-20-108, 50-20-112
  notice to husband, parent, or guardian — failure to give, 50-20-107
  penalties, 50-20-112
  reporting violations, 50-20-110
  viable fetus
    abortion of, 50-20-109, 50-20-112
    experimentation on, 50-20-108
  viable infant, causing death of, 50-20-108, 50-20-112
Viable infant
  abortion after viability, grounds, 50-20-109
  birth, protection after, 50-20-108
  defined, 50-20-104
  rights of unborn children, 41-1-103
Violations, See **Unlawful practices**
When may be performed, 50-20-109
Where may be performed, 50-20-109
Who may perform, 50-20-109
Writings required
  consent, 50-20-106
  consultation of physicians, 50-20-109
  notice to husband, parent, or guardian, 50-20-107
  refusal on grounds of religious beliefs or moral convictions, 50-20-111
  rights and responsibilities for child, acceptance, 50-20-108

ABORTION CONTROL ACT, Title 50, chapter 20

  See **ABORTION**, generally

ABSENTEE VOTING

  See **ELECTIONS**

ABUSED CHILDREN, Title 41, chapter 3

  See **MINORS, Abused, neglected, and dependent children**

ACADEMY

  See **LAW ENFORCEMENT ACADEMY**

ACCEPTANCE

  See **CONTRACTS; OBLIGATIONS; UNIFORM COMMERCIAL CODE** categories

ACCESSIONS

  See **PERSONAL PROPERTY; PROPERTY; REAL PROPERTY**

ACCESSORIES AND ACCOMPLICES

See **CRIMES, Aiding and abetting; CRIMINAL PROCEDURE, Accomplices**

ACCIDENT REPORTING ACT, Title 61, chapter 7

See **MOTOR VEHICLE ACCIDENTS AND ACCIDENT REPORTS**

ACCIDENTS

See **HAZARDOUS SUBSTANCES; MOTOR VEHICLE ACCIDENTS AND ACCIDENT REPORTS; RAILROADS; UTILITIES; WORKERS' COMPENSATION**

ACCIDENTS, INSURANCE AGAINST

See generally **FRATERNAL BENEFIT SOCIETIES; HEALTH SERVICE CORPORATIONS; INSURANCE — CASUALTY; INSURANCE — DISABILITY**

ACCOMPLICES

See **CRIMES, Aiding and abetting; CRIMINAL PROCEDURE, Accomplices**

ACCORD AND SATISFACTION

See **OBLIGATIONS**

ACCOUNTABILITY

See **CRIMES**

ACCOUNTANTS

Advertising, 35-4-103, 35-4-201
Audits of governmental entities, contracts for, 2-7-506
Board of Public Accountants
  allocation, 2-15-1866
  assistance, 37-50-205
  certification of certified public accountants
    education requirements, 37-50-314
      rules, 37-50-203
    examinations, 37-50-308
      waiver when, 37-50-311
    experience requirements, rules, 37-50-203
    nonresidents, 37-50-309, 37-50-311
    out-of-state, holders of, 37-50-311
    reexaminations, rules, 37-50-204
    renewal, 37-50-314
    revocation, suspension, or refusal, 37-50-314, 37-50-321, 37-50-322
    surrendered when, 37-50-314
    term, 37-50-203
  compensation of members, 37-50-202
  composition, 2-15-1866
  continuing education requirements, 37-50-314
    rules for, 37-50-203
  corporations
    registration, 37-50-332, 37-50-334
      revocation or suspension, 37-50-336
    rules governing, 37-50-203
  defined, 37-50-101
  expenses of members, 37-50-202
  fees, determination, 37-50-314

ACCOUNTANTS (Continued)

Board of Public Accountants (Continued)
- foreign accountants, registration, 37-50-313
- funding, 37-50-315
- hearings, 37-50-321, 37-50-322, 37-50-341
- licensing of public accountants
  - education requirements, 37-50-314
    - rules for, 37-50-203
  - examinations, 37-50-308
    - waiver when, 37-50-312
  - experience requirements, 37-50-203
  - nonresidents, 37-50-309, 37-50-312
  - out-of-state, holders of, 37-50-312
  - reexaminations, rules for, 37-50-204
  - renewal, 37-50-314
  - revocation, suspension, or refusal, 37-50-314, 37-50-321, 37-50-322
  - surrendered when, 37-50-314
  - term, 37-50-203
- officers, 37-50-201
- partnerships
  - registration
    - eligibility, determination, 37-50-331, 37-50-333
    - revocation or suspension, 37-50-336
  - rules governing, 37-50-203
- proceedings
  - initiation, 37-50-341
  - records, 37-50-201
- public representation on, 2-15-1866
- quorum, 37-50-201
- records, 37-50-201, 37-50-205
- removal from office, 2-15-1866
- rules, 37-50-201, 37-50-203, 37-50-204, 37-50-308, 37-50-309, 37-50-341
- seal, 37-50-201
- termination, 2-8-103
- term of office, 2-15-1866

Censure when, 37-50-321

Certification as certified public accountant
- annual, to be, 37-50-314
- discrimination in issuance prohibited, 49-3-204
- education requirements, 37-50-302, 37-50-305, 37-50-314
  - rules for, 37-50-203
- examinations, 37-50-302, 37-50-308, 37-50-309
  - waiver when, 37-50-311
- existing, sufficiency, 37-50-310
- experience required, 37-50-203
- expiration, 37-50-314
- fees, 37-50-204, 37-50-314
  - prohibited when, 37-50-316
- fraud or deceit in obtaining, 37-50-321
- nonresidents, 37-50-309, 37-50-311
- out-of-state, holders of, 37-50-311
- qualifications, 37-50-302
- reexaminations, rules for, 37-50-204
- reinstatement, 37-50-322
- renewal, 37-50-314
- required, 37-50-301
- revocation, suspension, or refusal, 37-50-314, 37-50-321, 37-50-322
- surrendered when, 37-50-314
- term, 37-50-203

Commerce, Department of
- assistance by, 37-50-205
- certification as certified public accountant
  - examinations, 37-50-308

ACCOUNTANTS (Continued)

Commerce, Department of (Continued)
  certification as certified public accountant (Continued)
    issuance, 37-50-314, 37-50-322
    nonresidents, 37-50-309
  costs, 37-50-205
  defined, 37-50-101
  duties generally, 37-50-205
  earmarked revenue fund, 37-50-315
  fees and moneys collected by, 37-50-315
  licensees, notices of rules or amendments, 37-50-203
  licensing as public accountant
    examinations, 37-50-308
    issuance, 37-50-314, 37-50-322
    military personnel, registration, 37-50-304
    nonresidents, 37-50-309
  offices, registration, 37-50-335
  partnerships, registration, 37-50-331, 37-50-333
  records kept by, 37-50-201, 37-50-205
  rules or amendments, notice to licensees, 37-50-203
Confidential communications, 37-50-402
Continuing education requirements, 37-50-314
  rules for, 37-50-203
Corporations, See also **CORPORATIONS**, **Professional service corporations**
  certified public accountants, 37-50-332
  employees or assistants, 37-50-102
  public accountants, 37-50-334
  registration, 37-50-332, 37-50-334
    revocation or suspension, 37-50-336
  rules governing, 37-50-203
  title, use of, 37-50-301, 37-50-342
Debt adjustment by, 31-3-203
Definitions, 37-50-101
Exemptions from provisions, 37-50-102
False statements, penalty, 37-50-401
Fees, See **Certification as certified public accountant**; **Licensing as public accountant**
Foreign accountants, See also **Nonresidents**
  employees or assistants, 37-50-102
  examinations, waiver when, 37-50-311, 37-50-312
  registration, 37-50-313
  title, use of, 37-50-301, 37-50-313, 37-50-342
Fraudulent practices, 37-50-321
Incorporation, See **Corporations**; **CORPORATIONS**, **Professional service corporations**
Insurance
  commissioner of, employment by, 33-2-1115, 33-2-1345
  consultants, practice as, 33-17-502
  professional liability, See **INSURANCE — CASUALTY**, **Professional liability**
Interstate practice, 37-50-203
Investment advisers, exclusion as, 30-10-103
Licensees, notices concerning rules or amendments, 37-50-203
Licensing as public accountant
  annual, to be, 37-50-314
  discrimination in issuance prohibited, 49-3-204
  education requirements, 37-50-303, 37-50-305, 37-50-314
    rules for, 37-50-203
  examinations, 37-50-304, 37-50-308, 37-50-309
    waiver when, 37-50-312
  experience required, 37-50-203, 37-50-303
  expiration, 37-50-314
  fees, 37-50-204, 37-50-304, 37-50-314
    prohibited when, 37-50-316

ACCOUNTANTS (Continued)

Licensing as public accountant (Continued)
    fraud or deceit in obtaining, 37-50-321
    military personnel, 37-50-304
    nonresidents, 37-50-309, 37-50-312
    out-of-state, holders of, 37-50-312
    qualifications, 37-50-303
    reexaminations, rules for, 37-50-204
    reinstatement, 37-50-322
    renewal, 37-50-314
    required, 37-50-301
    requirements, 37-50-303
    revocation, suspension, or refusal, 37-50-314, 37-50-321, 37-50-322
    surrendered when, 37-50-314
    term, 37-50-203
Nonresidents, 37-50-309, 37-50-311, 37-50-312, See also **Foreign accountants**
Offices
    managers, 37-50-333
    registration, 37-50-335
        required, 37-50-301
Partnerships
    certified public accountants, 37-50-331
    decedent's name, use, 37-50-301
    employees or assistants, 37-50-102
    public accountants, 37-50-333
    registration, 37-50-331, 37-50-333
        revocation or suspension, 37-50-336
    rules governing, 37-50-203
    title, use of, 37-50-301, 37-50-342
Private practitioners, certification or licensing, 37-50-335
Privileged communications, 37-50-402
Professional conduct, rules for, 37-50-203
    violation, 37-50-321
Professional liability insurance, 37-50-203, See also **INSURANCE — CASUALTY**
Professional service corporations, See **Corporations**; **CORPORATIONS**
Public Accountants, Board of, See **Board of Public Accountants**
Solid waste management system audits, 75-10-121, 75-10-125
Testimony by, 37-50-402
Title, illegal use, 37-50-301, 37-50-342
Violations
    false statements, 37-50-401
    license or certificate revoked, suspended, or refused for, 37-50-321
    title, illegal use, 37-50-301, 37-50-342
Witnesses, as, 37-50-402

ACCOUNTING SYSTEM, STATE

See **STATE FINANCE**

ACKNOWLEDGMENTS

See also **INSTRUMENTS**

Authentication, Title 26, chapter 10, M.R.Ev., Rule 902
Certificates
    authentication, 1-5-106
    defective, correction, 1-5-108
        effect, 1-5-110
    forms, See **Forms of certificates**
    judge or justice, by, 1-5-107, 3-1-404, 3-1-405
    military officers, procedures, 1-5-105
Certification requirements, 1-5-105, 1-5-202
Deputy officers, taken by, 1-5-104

ACKNOWLEDGMENTS (Continued)

Forms of certificates
  attorney-in-fact, 1-5-205
  corporation, 1-5-204
  general, 1-5-203, 1-5-207
  married persons, 1-5-207
Fraternal benefit societies, articles of incorporation, 33-7-201
In state, taken where and by whom, 1-5-101, 1-5-104
Insurance agents or solicitors, license applications, 33-17-211
Insurers
  domestic stock and mutual, articles of incorporation, 33-3-201
  farm mutual, declaration of intention to incorporate, 33-4-202
  reciprocal, declaration, 33-5-201
Judge's or justice's power to take and certify, 3-1-404, 3-1-405
Judgment
  certificate, defective — correction, 1-5-108
  effect, 1-5-110
Married persons, by, 1-5-206, 70-20-106, 70-20-107
Military officers, taken by, 1-5-105
Notaries public, taken by, 1-5-416
Officers taking, 1-5-101 — 1-5-103
  certificates, authentication, 1-5-106
  certification by, 1-5-202
  deputies, 1-5-104
  judge or justice, 3-1-404, 3-1-405
  military, 1-5-105
  person making acknowledgment, evidence of authority, 1-5-201
  revenue, department of — by director or designated employee, 15-30-302
  wage brokers prohibited, 31-1-306
Outside state
  effect when taken in accordance with other state's laws, 1-5-208
  proof taken by whom, 1-5-102
Outside United States, taken by whom, 1-5-103, 1-5-104
Proof, where taken and by whom, 1-5-101 — 1-5-105; Title 26, chapter 10, M.R.Ev., Rule 902
Proving an instrument, judgment for, 1-5-109
  effect, 1-5-110
Revenue, Department of — taken by director and designated employees, 15-30-302
Wage brokers prohibited from taking, 31-1-306

ACQUITTAL

  See **CRIMINAL PROCEDURE**

ACTIONS

  See also generally **CIVIL PROCEDURE**; **CRIMES**; **CRIMINAL PROCEDURE**; **REMEDIES**; **SPECIAL PROCEEDINGS**; **TORTS**

Abduction, See **ABDUCTION**
Abolished causes of action, See **REMEDIES**
Abortion, based on refusal to participate — action barred, 50-20-111
Accrual of cause of action, See **STATUTES OF LIMITATION**
Acknowledgment, defective certificate — correction, 1-5-108
Administrative rules, validity or application, 2-4-506
Aeronautics
  departmental investigations or hearings, use of reports from, 67-2-503
  licensing and regulation, orders regarding, 67-3-104
Age, judicial determination, 27-32-101
Agency decisions, concerning, 2-3-112
Agricultural seed processing plants, labelers, buyers, and warehouses — concerning, 80-5-207
Agriculture, Department of — against, when, 80-4-234
Air carriers, orders by board of aeronautics contested, 67-3-427

ACTIONS (Continued)

Aircraft, recovery of damages caused by unlawful use, 67-1-204
Airports
  hazard regulations, enforcement, 67-5-211
  zoning violations, abatement, 67-6-211
Air quality
  contaminant source owners, establishment of existence of trade secrets, 75-2-105
  emission prevention, abatement, and control, 75-2-401
  enforcement proceedings, 75-2-412, 75-2-413
  rights, personal, 75-2-104
Alcoholic beverages
  beer tax, nonpayment by brewer or wholesaler — collection, 16-1-409
  complaint for forfeiture of seized beverages, 16-6-106
  driving while under the influence of alcohol, 61-8-404
  misdemeanor actions, jurisdiction of courts, 16-6-201
  nuisance abatement, 16-6-313
  table wine sales, unfair competition, 16-2-303
Alienation of affections, abolishment, 27-1-601
Arbitration, 27-5-101
  revocation, 27-5-105
Architects, Board of — to restrain violations, 37-65-323
Arises how, 27-1-104
Arrest, prejudgment
  damages, 27-16-1006
  sureties' liability, enforcement, 27-16-504
Attachment, 27-18-101
  recovery on undertakings, 27-18-906
Attorney general, duties, 2-15-501
Attorneys at law
  complaints against, regarding, 37-61-304
  delinquent license tax, collection, 37-61-212
  disbarment or suspension, actions for, See **ATTORNEYS AT LAW, Disbarment or suspension**
  fees in actions, unlawful when, 37-61-215
  role in, See **ATTORNEYS AT LAW, Actions, role in**
Autopsies, no cause of action against mortuary or physician, 44-3-401, 46-4-104
Banks and trust companies
  certificate, transaction of business without, 32-1-403
  closed bank
    claim, fixing, 32-1-532
    stay of proceedings, 32-1-516
  corporate name violations, 32-1-402
  impaired stock, for assessment, 32-1-506
Bean storage, suit on bond, 80-3-506
Birth date, judicial determination, 27-32-101
Blind persons — drivers or pedestrians, violation of duties to, 49-4-216, 49-4-217
Bond issues, to restrain — limitations, 17-5-1001
Bond payment funds, enforcement of public officers' liability, 20-9-446
Bonds, official
  additional, action on, 2-9-515
  defective, action for recovery, 2-9-512
  forfeiture, action against obligors, 2-9-511
  generally, 2-9-514, 2-9-527
  insufficiency of sureties, action to vacate office, 2-9-513
  judgments, separate — effect, 2-9-516
  performance, specific — action to compel, 2-9-528
Bonds — performance, labor, and materials — claims against, 18-2-204 — 18-2-206
Breach of promise, abolishment, 27-1-602
Building and loan associations — transaction of business without certificate, 32-2-106
Carriers, See also specific carrier
  confiscation of fuel by, recovery of penalty and damages for, 69-11-108
  penalties from, recovery, 69-2-205
Certiorari, writ of, See **WRITS**

ACTIONS (Continued)

Cesspool, septic tank, and privy cleaners — for enforcement of provisions, 37-41-212
Change of name, 27-31-101
Children, See **Child support**; **Minors**
Child support
  enforcement, 40-5-110
  revenue, department of — recovery actions by, 40-5-202
  support debts, collection, 40-5-222, 40-5-224
Chiropractors, Board of — disciplinary actions, 37-12-322, 37-12-323
Cigarette Sales Act — action to enjoin, restrain, or prevent violations, 16-10-402
Cigarette tax, penalty for unpaid, 16-11-143
Civil rights, See **Discrimination**
Claim and delivery, 27-17-101, See also **CLAIM AND DELIVERY**
  injury to property, 27-17-403
  second taking of property, recovery on undertakings, 27-17-405
Claims to public agencies, false, 17-8-231
Coal
  map, recovery of costs when, 50-73-209
  severance tax bondholders, to enforce and compel performance, 17-5-713
  taxation, collection of gross proceeds tax, 15-23-704
Commerce, Department of — collection of licensing renewal fees and penalties, 37-4-307, 37-4-406
Commercial fertilizer violations, judicial review of issues, 80-10-303
Commercial paper, recovery when overdue, 30-3-123
Community college district trustees
  against, 20-15-226
  party to, 20-1-204
Condemnation, See **EMINENT DOMAIN**
Condominiums
  common expenses, for, 70-23-608
  compliance with bylaws and rules, 70-23-506
  foreclosure, 70-23-608, 70-23-609
  partition of common elements, 70-23-405, 70-23-805
  violations, injunction, 70-23-1001
Conservation districts
  certificate of organization as evidence in, 76-15-214
  combination or division, 76-15-803
  generally, 76-15-320
  termination, 76-15-810
Conservation easements, enforcement, 76-6-211
Consumer Counsel fees, recovery of penalties for nonpayment, 69-2-205
Consumer loan businesses, violation of provisions generally, 32-5-405
Consumer protection, 30-14-133
Consumer reports, actions upon noncompliance, 31-3-114, 31-3-141 — 31-3-143
Contempt, See **CONTEMPT**
Contractors, public — concerning subcontractors and bonds, 18-2-206
Contracts, See also **Public contracts**
  rescission, adjudication, 28-2-1714
  revision, 28-2-1611
Contribution from joint tortfeasors, 27-1-703
Cooperative associations, dissolution, 35-15-412
Corporations
  assessments, recovery of stock or assessment, 35-1-604
  dissenters' claims, 35-1-812
  dissolution, 35-6-102
  liquidation, 35-1-921, 35-2-711
  nonprofit corporations
    liquidation, 35-2-711
    name change, 27-31-102
    ultra vires acts, 35-2-110
  quo warranto proceedings, See **WRITS**
  records, inspection, 35-1-513

ACTIONS (Continued)

Corporations (Continued)
  taxation
    collection, for, 15-31-526
    forfeiture, enforcement, 15-31-543
    returns, fraud, 15-31-542
  ultra vires acts, 27-28-101, 27-28-102, 35-1-110, 35-2-110
Cosmetologists, Board of — by, 37-31-333
County attorney
  against, 77-1-114
  county superintendent of schools, responsibilities regarding, 20-1-204
  school trustees, responsibilities regarding, 20-1-204
County sheriff, against — for official acts, 2-9-711
County zoning violations, prevention or abatement, 76-2-210
Covenants, implied — suit upon, 70-20-304
Credit reports, actions upon noncompliance, 31-3-141 — 31-3-143
Credit unions, involuntary liquidation — action for stay of execution, 32-3-205
Criminal, See generally **CRIMES; CRIMINAL PROCEDURE**
Criminal conversation, See **SEDUCTION**
Dairies and dairy products, violations concerning
  prosecution, 81-22-105
  recovery of damages sustained from, 81-21-106
Damages, See **DAMAGES**
Dams and reservoirs, safety, Title 85, chapter 15, parts 2 and 3
Date of birth, judicial determination, 27-32-101
Deceit, damages, 27-1-712
Deceptive trade practices, 30-14-133
Declaration of invalidity, effect of conciliation petition, 40-3-111, 40-3-121, 40-3-127
Declaratory judgment, 27-8-202
Defamation, See **DEFAMATION**
Defined, 25-1-102, 27-1-102, 27-1-103, 27-2-101, 70-19-101, 70-24-103
Dental hygienists, collection of renewal fees, 37-4-406
Dentists
  injunction to restrain violations, 37-4-328
  renewal fees and penalties, collection, 37-4-307
Discrimination
  contested case hearings — for attorney's fees, 49-2-505
  violations
    employment, 49-4-102
    generally, 49-3-303
Dissolution of marriage
  conciliation petition, effect, 40-3-111, 40-3-121, 40-3-127
  custody decree modification when, 40-4-219
  decree entered when, 40-4-104
Divorce, See **Dissolution of marriage**
Documents of title, See **DOCUMENTS OF TITLE**
Dogs, viciousness, 27-1-715
Door-to-door sales, refund upon cancellation, 30-14-506
Driving while under the influence of alcohol or drugs, 61-8-404
Drugs
  dispensation violations by medical practitioners, 37-2-105
  driving while under the influence of, 61-8-404
  product selection, liability of prescriber, 37-7-509
Easements, enforcement, 70-17-109
Elections
  ballot issues, adjudication of statements of purpose or implication, 13-27-316
  bond issues
    restraint, 17-5-1001
    voiding election, 13-35-107
  campaign finance violations, 13-37-128, 13-37-209
  campaign reports
    noncompliance orders
      failure to submit information 13-37-121
      review, 13-37-122
    violations, 13-37-128

ACTIONS (Continued)

Elections (Continued)
    commissioner of political practices, appeal of removal from office, 13-37-102
    contest, 13-36-101
    injunctions, 13-35-108
    precinct register, to compel entry of name, 13-2-602
    recounts, 13-16-301
    registration, to compel, 13-2-602
    voiding election, 13-35-107
Eminent domain, 70-1-205, 70-30-101, See also **EMINENT DOMAIN**
    fences and cattleguards by railroads, action on surety bond, 70-30-307
    surveys for, damage to property, 70-30-110
Encroachments, highway — removal and costs, 60-6-104, 60-6-105
Execution
    debt or interest in property, recovery by judgment creditor, 25-14-104
    sales
        bidder's refusal to pay, recovery of loss and costs, 25-13-705
        eviction, recovery of price with interest, 25-13-713
        injury to property, 25-13-825
Extradition, recovery on bail, 46-30-305
Facility siting
    violations, actions concerning, 75-20-408
    water supplies, contamination — recovery of damages, 75-20-405
Federal lands, jurisdiction, 2-1-202, 2-1-205, 2-1-207, 2-1-209
Fences
    common occupancy cases, refusal to build, 70-16-208
    livestock, injury, 81-4-103, 81-4-104
    removal, for, 70-16-210
    repairs or rebuilding, for, 70-16-209, 81-4-104
Fertilizer, commercial — judicial review of issues regarding violations, 80-10-303
Finance companies, violation of provisions generally, 32-5-405
Finders, recovery of property from, 70-5-207
Fires
    condemnation of hazardous structures, 50-62-102, 50-62-104, See **FIRES AND FIRE PROTECTION, Hazard removal**
        recovery of expenses, 50-62-109
    open fire, damage caused by, 50-63-103
    protection violations, occupancy of building enjoined, 50-61-118
Firewardens, liability for trespass, 77-5-105
Fish and game fines, bonds, and penalties — collection, 87-1-103
Fish, Wildlife, and Parks — Department of, by, 87-1-201
Floodplain or floodway obstructions, injuries caused by, 76-5-109
Food, donated — liability when unfit for human consumption, 27-1-716
Forcible entry and detainer, See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER**
Foreclosure
    liens, See **LIENS**
    mortgages, See **MORTGAGES**
    trust indentures, See **TRUST INDENTURES**
Forest fire hazard disposal, recovery of costs and expenses, 76-13-410
Forest fire protection
    amount due, to collect, 76-13-211
    assessments, payment under protest, 76-13-210
Fort Peck Dam, jurisdiction, 2-1-209
Fraternal benefit societies
    commencement, time limitation prohibited, 33-7-515
    misrepresentation, collection of penalty, 33-7-518
    violations, concerning, 33-7-115
    voluntary associations, effect of incorporation, 33-7-206
Fraud, See **FRAUD**
Fraudulent conveyance, 31-2-322

ACTIONS (Continued)

Freight carriers
  claims for damage
    between carriers, 69-11-427
    time period for institution of suits, 69-11-425
  fines, recovery, 69-11-412
Funeral directors, for suspension or revocation of license, 37-19-312
Gambling
  losses, recovery, 23-5-131 — 23-5-135, 23-5-141
  lotteries, recovery of prize, 23-5-208
  premises where gambling violations conducted, recovery, 23-5-143
Glacier National Park, jurisdiction, 2-1-205
Governmental entities, against, 2-9-305
Grain warehouse receipt holders, actions regarding, 80-4-233, 80-4-234
Grazing districts, 76-16-324
  trespass actions, applicability of preference provisions, 76-16-415
  trespassing livestock, recovery of damages, 76-16-311, 76-16-314
Gubernatorial actions, immunity from liability, 2-9-113
Habitual traffic offenders, complaint, 61-11-205
Hail insurance, disputed appraisals, 80-2-243
Hazardous waste violations, 75-10-413
  enforcement proceedings, 75-10-417, 75-10-418
Health care facilities
  abortion, based on refusal to participate — action barred, 50-20-111
  physician's practice of medicine, for limiting or prohibiting, 37-3-403
  sterilization, based on refusal to participate — action barred, 50-5-502, 50-5-503
Health law violations, abatement, 50-1-103, 50-1-202, 50-1-203, 50-2-116, 50-2-118, 50-2-123
Health records
  infant mortality and morbidity, based on disclosure — action barred, 50-16-102
  violations, punitive action for disclosure barred, 50-16-305
Health service corporations, investigations not a bar, 33-30-303
Hearing Aid Dispensers, Board of — to enjoin unlicensed persons, 37-16-202
Herd districts, trespassing animals — recovery of damages, 81-4-307
Highway patrolmen, subrogation for injury while on duty, 44-1-517
Highways
  collision between motor vehicle and animals, damage actions, 60-7-203
  encroachments, removal and costs, 60-6-104, 60-6-105
Hospitals, See **Health care facilities**
Immunity from liability
  gubernatorial actions, 2-9-113
  judicial acts and omissions, 2-9-112
  legislative acts and omissions, 2-9-111
  local elected executives, 2-9-114
Implied covenants, upon, 70-20-304
Injunctions, See **INJUNCTION, WRIT OF**
In rem proceedings, See **REAL PROPERTY**, **Actions**
Instruments
  execution, defective proof — correction, 1-5-108
  proving, judgment for, 1-5-109
Insurance
  applications as evidence, when, 33-15-402
  benefits, recovery — when, 33-15-201
  casualty, existence not to be made evident when, 33-23-102
  disability policies
    joint underwriting associations, by, 33-22-804
    recovery on, 33-22-214, 33-22-602
  information and privacy protection
    immunity from, when, 33-19-408
    violations, relief, 33-19-407
  liability, existence not to be made evident when, 33-23-102
  life policies, regarding, 33-20-121
  professional liability, unfounded actions not to be ground for cancellation or premium rate increase, 33-23-301

ACTIONS (Continued)

Insurance (Continued)
  property, defense to action on, 33-24-102
  rating or advisory organizations
    authority, actions under, 33-16-115
    penalty, collection, 33-16-114
  surplus line
    against insurers, 33-2-314
    collection of premium tax on, 33-2-312
Insurance agents, surplus line — collection of premium tax, 33-2-312
Insurance, Commissioner of
  examinations, recovery of expenses and charges, 33-1-413
  fraternal benefit societies, violation of standards of conduct, 33-7-115
  generally, 33-1-412
  hearings, orders from, 33-1-706
  insolvent insurers, collection of unpaid premiums due, 33-2-1362
  judicial review, 33-10-109, 33-10-228, 33-21-112, 33-21-113, 33-21-205, 33-30-106
  premium tax and penalty, recovery, 33-2-312
    independently procured coverages, 33-2-706
    surplus lines, 33-2-312
  prohibited practices, to enjoin and restrain, 33-18-1003
  rehabilitation and liquidation proceedings, rights, 33-2-1381
  rights, 33-2-1381
  stay of action, 33-1-702
Insurance guaranty associations
  appeals by member insurers, 33-10-228
  assessments, unpaid — recovery, 33-10-205
  immunity from liability, 33-10-110, 33-10-207
  insureds, against — when, 33-10-114
  judicial review of decisions regarding, 33-10-109
  stay of, when, 33-10-111, 33-10-222
  sue and be sued, power to, 33-10-105, 33-10-205
Insurers
  cease and desist orders, violation — recovery of penalty, 33-18-1005
  credit life and disability, recovery of penalties from violations by, 33-21-113
  deposits, recovery of income from, 33-2-608
  domestic mutual, collection of assessments, 33-3-413
  domestic stock, inside trading of equity securities — recovery of profit, 33-3-442
  enforcement, institution, 33-18-1005
  farm mutual
    losses, collection, 33-4-415
    member's obligations, collection, 33-4-413
    sue and be sued, power to, 33-4-103
  holding company systems, merger or acquisition of control — violations of provisions, 33-2-1106
  joint underwriting associations, by, 33-22-804
  liquidator
    domiciliary; rights of, 33-2-1381
    intervention when, 33-2-1348
    rights of, 33-2-1342, 33-2-1345
  premium tax, collection
    independently procured coverages, 33-2-706
    surplus line, 33-2-312
  prohibited practices, to enjoin and restrain, 33-18-1003
  reciprocal
    attorney's bond, on, 33-5-304
    sue and be sued, power to, 33-5-103
  rehabilitation and liquidation proceedings
    domiciliary liquidator, rights of, 33-2-1381
    insurance, commissioner of — rights, 33-2-1381
    insurer's net worth, recovery of reduction or loss, 33-2-1321
    liquidation order
      effect on, 33-2-1348
      petition for, action to defend against, 33-2-1336

ACTIONS (Continued)

Insurers (Continued)
    rehabilitation and liquidation proceedings (Continued)
        liquidator
            intervention when, 33-2-1348
            rights of, 33-2-1342, 33-2-1345
        litigation, pending and potential — effect on, 33-2-1334, 33-2-1348
        premiums owed, recovery, 33-2-1362
        prevention when, 33-2-1309
        receivers, brought by, 33-2-1306
        rehabilitation, for, 33-2-1333
        review, 33-2-1321
        stay of proceedings, 33-2-1307, 33-2-1334
        venue, 33-2-1308
        who may bring, 33-2-1305
    retaliatory, 33-2-709
    review when, 33-2-1321
    service of process
        fee as cost, 33-1-603
        unauthorized insurers, 33-1-612 — 33-1-616
    unauthorized
        against, 33-1-612 — 33-1-616, 33-2-314
        by, prohibited when, 33-2-105
Interest, recovery when excessive, 31-1-108
Investment companies, See **Banks and trust companies**
Investment securities, See **SECURITIES AND SECURITIES REGULATION**
Judicial acts and omissions, immunity from liability, 2-9-112
Judicial record, enforcement, 26-3-203
Junkyards, compliance with agreements, 75-15-204
Labor and employment, injury of servant, 27-1-516
Labor, Commissioner of — recovery of public contract penalties and forfeitures, 18-2-407
Land Commissioners, Board of — brought by, 77-1-105, 77-1-207
Landlord-tenant disputes, See **LANDLORD AND TENANT**, **Actions**; **Damages**; **Remedies**
Legislative acts and omissions, immunity from liability, 2-9-111
Libel, See **DEFAMATION**
Licensing boards, disciplinary actions by, 37-1-136
Liens
    foreclosure, See **LIENS**
    salaries and wages, for — dispute over preference, 71-3-305
Livestock
    disease control violations
        damages, recovery, 81-2-114
        prosecution generally, 81-2-102
    herd districts, trespassing animals — recovery of damages, 81-4-307
    injury to, damages concerning, 81-4-103, 81-4-104
    lien foreclosure, 81-2-109, 81-2-705
    markets, bonds — upon, 81-8-257
    seizure and killing, recovery of damage for, 81-3-223
    trespassing
        national forests, lands or mining claims within — damage actions when, 81-4-220
        recovery of damages by, 81-4-217
Loan companies, violation of provisions generally, 32-5-405
Lobbying violations, 5-7-305
Local elected executives, immunity from liability, 2-9-114
Logging roads, eminent domain to open, 70-30-109
Lotteries, recovery of prize, 23-5-208
Mandamus, writ of, See **WRITS**
Mandate, writ of, See **WRITS**, **Mandamus**
Marriage, abolishment of breach of promise, 27-1-602
Master and servant, injury of servant, 27-1-516
Maternal relationship, action to establish, 40-6-121
Mausoleum-columbarium property, damage or destruction, 35-21-705

ACTIONS (Continued)

Medical Examiners, Board of — disciplinary actions, 37-13-312
Medical practitioners, unlawful practices regarding drugs, 37-2-105
Medical records, See **Health records**
Medicine, actions by professional standards review committees, 37-2-201
Merger of civil and criminal remedies, right not merged, 27-1-103, 45-1-104
Military officers, usurpation of office, 27-28-101, 27-28-301, 27-28-308
Milk distributors, upon bonds, 81-23-205
Milk price control, violations or recovery or enforcement of penalties, 81-23-405, 81-23-406
Mines and mining
  coal, See **Coal**
  consignments of ore, shipper violation of statement requirements, 82-2-425
  lease, release, 82-1-202
  metal mines, recovery of reclamation costs when work performed by board, 82-4-341
  opencut mines
    breach of reclamation contract, 82-4-434
    violations, civil penalty, 82-4-441
  rights-of-way, to obtain, 82-2-203
  royalty accounting, 82-10-101, 82-10-102
  strip and underground mine operations
    noncompliance, 82-4-252
    reclamation contracts, enforcement, 82-4-423
  strip and underground mine siting
    noncompliance, mandamus to enforce, 82-4-142
    violations, recovery of penalty, 82-4-141
  water supply, damage to, 82-4-253
Minors, See also **Child support**
  abuse, neglect, and dependency, 41-3-401
  control, exclusive — parental action for, 40-6-223
  delinquent's conduct, damages from — when, 41-5-524
  destruction of property by, recovery of damages, 40-6-237, 40-6-238
  injury, 27-1-512
  motor vehicles, unlawful operation, 61-12-603
  parental support by, duty, 40-6-303
  support, See **Child support**
  wrongful death, 27-1-512
Montana university system, misuse of name, 20-25-102
Mortgages
  foreclosure, See **MORTGAGES**
  redemption, 71-1-230, 71-1-231
Morticians, for suspension or revocation of license, 37-19-312
Motor carriers
  excess charges paid to, recovery, 69-12-511
  penalties from, recovery, 69-2-205
Motor vehicle graveyard and wrecking facilities, concerning, 75-10-541
Motor vehicles
  collision with animals, damage actions, 60-7-203
  dealers
    recovery of damages from succession to ownership violations, 61-4-137
    to enjoin, 61-4-209
  financial responsibility, 61-6-108, 61-6-110
    foreclosure actions or proceedings, 61-6-137
  manufacturers, distributors, importers, or dealers
    financing sale of vehicles, damages from violation of provisions, 61-4-406
    to enjoin, 61-4-209
  minors, unlawful operation by, 61-12-603
Municipal zoning violations, prevention or abatement, 76-2-308
Names, change of, 27-31-101, 27-31-102
Negligence, See **NEGLIGENCE**
Negotiable instruments, recovery when overdue, 30-3-123
Nonprofit corporations, See **Corporations**
Nuisances, 27-30-103, 27-30-202, 27-30-203, 27-30-301, 45-8-112, See also **NUISANCES**, generally

ACTIONS (Continued)

Nurseries and nurserymen, recovery of damages from violations by, 80-7-133
Nurses, injunction to restrain violations by, 37-8-444
Obligations, enforcement, 28-1-203
Official bonds, See **Bonds, official**
Oil and gas
    board of oil and gas conservation, adjudication of decisions, 82-11-144
    damage to property of surface owner, compensation, 82-10-508
    lease, release, 82-1-202, 82-1-204
    privilege and license tax, delinquency, 82-11-133
    royalty accounting, 82-10-101
    violations, 82-11-142, 82-11-147
Opencut mining violations, 82-4-441
Open meetings
    closure decisions, voidability, 2-3-213
    enforcement of provisions, 2-3-221
Optometrists, injunction to restrain violations by, 37-10-301
Outdoor advertising, unlawful — remedial actions, 75-15-131, 75-15-132
Parental abuse, remedy for, 40-6-233
Parents, children's duty to support, 40-6-303
Partition
    personal property, 70-2-211
    real property, 70-29-101, See **PARTITION**
Passenger carriers, collection of penalty for failure to start at scheduled time, 69-11-202
Paternity, actions to establish, See **PATERNITY PROCEEDINGS**
Pawnbrokers, recovery of property, 31-1-406
Payment of claim, voluntary — action to recover overpayment barred, 26-1-706
Perpetuation of testimony, Title 25, chapter 20, M.R.Civ.P., Rule 27(c)
Personal injury, See **PERSONAL INJURY**
Personal property, See **PERSONAL PROPERTY**
Pesticides
    nonresident licensees, 80-8-210
    use, loss, or damage from — effect of failure to file reports concerning, 80-8-301
Physical Therapy Examiners, Board of — disciplinary actions, 37-11-201
Physicians
    disciplinary actions, 37-3-323, 37-3-324
    hospitals limiting or prohibiting practice, actions concerning, 37-3-403
    injunction for practice without license, to obtain, 37-3-326
    registration fee, collection, 37-3-313
Pipeline carriers
    discrimination, damage from, 69-13-105
    penalties, recovery, 69-2-205, 69-13-105
Poultry industry violations, recovery of damages from, 81-20-104
Privacy, consumer report as invasion of, 31-3-141
Prohibition, writ of, See **WRITS**
Property, See **PERSONAL PROPERTY; REAL PROPERTY**
Proprietary postsecondary educational institutions
    criminal sanctions, imposition, 20-30-403
    damages for prohibited acts, 20-30-401
Public contractors, concerning subcontractors and bonds, 18-2-206
Public contracts
    breach, 18-4-105
    disputes with state, 18-1-402, 18-1-413
    violations, 18-2-408
    wage disputes, 18-2-407, 18-2-408, 18-2-421
Public officers, usurpation of office, 27-28-101, 27-28-301, 27-28-308
Public Service Commission orders, challenges, 69-3-402
Public trust violations, for, 2-2-103
Public utilities, See **Utilities**
Quiet title
    personal property, 70-2-201
    real property, 70-28-101, 70-28-201, See **QUIETING TITLE**
    tax deed property, 15-18-401, 15-18-404

ACTIONS (Continued)

Quo warranto, writ of, See **WRITS**
Railroads
- baggage checks refused on demand, damage actions, 69-14-210
- boxcar repairs, recovery of expenses, 69-14-924
- confiscation of fuel by, recovery of penalty and damages for, 69-11-108
- drains and ditches, action against railroad for noncompliance, 69-14-240
- employees' death or injury, recovery of damages, 69-14-1006
- excess charges, recovery, 69-14-322
- fireguard maintenance violations, 69-14-722
- grain elevators or warehouses, determination of location or compensation, 69-14-901, 69-14-903
- highway crossing orders
  - determination of reasonableness, 69-14-608
  - noncompliance, recovery of penalty, 69-14-611
- institution of, 69-14-132, 69-14-133, 69-14-711
- livestock, department of — instituted by, when, 69-14-711
- livestock killed or injured, recovery of damages, 69-14-708 — 69-14-711
- penalties and forfeitures, recovery, 69-2-205, 69-14-103, 69-14-120, 69-14-131, 69-14-133, 69-14-611, 69-14-814
- public service commission actions
  - enforcement, appeals from court decrees, 69-14-134, 69-14-135
  - reasonableness, to determine, 69-14-402
- rates, charges, and classifications — to determine reasonableness, 69-14-402
- schedules, posting of information concerning — action for violations regarding, 69-14-203
- sidetrack, spur, or stock facility provisions — recovery of fines from violations, 69-14-814

Real estate brokers and salesmen
- compensation, for — limitations, 37-51-401
- nonresident, against, 37-51-306

Real property, See **REAL PROPERTY**
Recall petitions, concerning, 2-16-615
Receivers, appointment, 27-20-102
Redemption
- accounting of rents and profits, for, 25-13-822
- injury to property during redemption period, 25-13-825
- mortgages, on, 71-1-230, 71-1-231

Reentry, 70-16-402, 70-27-107
Remainderman, injury to estate, 70-16-105
Remedies, See generally **DAMAGES**; **REMEDIES**
Replevin, See **Claim and delivery**
Restitution upon appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 15
Restoration, 27-1-713
Reversioner, injury to estate, 70-16-105
Right to know, enforcement of constitutional provisions, 2-3-221
Royalties — mineral, accounting, 82-10-101
Safety
- coal mine, recovery of costs when division of workers' compensation provides map, 50-73-209
- violations — failure to file accident report, recovery of civil penalty, 50-71-325

Salaries and wages, lien for — dispute over preference, 71-3-305
Sales, See also **SALES**
- personal solicitation, refund upon cancellation, 30-14-506
- unfair competition, 30-14-207

Savings and loan associations, See **Building and loan associations**
Savings banks, See **Banks and trust companies**
School districts
- bond issues, to restrain, 20-9-465
- bonds, to test validity, 20-9-464

School immunization requirements, enforcement, 20-5-410
School trustees, against, 20-3-332
Securities, See also **SECURITIES AND SECURITIES REGULATION**
- examination costs, failure to pay, 30-10-210
- fraud or misrepresentation, 30-10-307

Seduction, See **SEDUCTION**

ACTIONS (Continued)

Separate maintenance, effect of conciliation petition, 40-3-111, 40-3-121, 40-3-127
Servant, injury to, 27-1-516
Slander, See **DEFAMATION**
Slaughterhouse violations, recovery of damages from, 81-9-207
Snowmobiles, enforcement of provisions generally, 23-2-641
Solid waste management, concerning, 75-10-231
Special proceedings, See **SPECIAL PROCEEDINGS**
State, against, 2-15-201
State debt collection, 17-4-103
State lands
  generally, 77-1-105, 77-1-111, 77-1-207
  mining lessee's surety bond, violation of terms, 77-3-120
  patents, cancellation, 77-2-345
  sales, recovery of forfeitures, 77-2-323
Statutes of limitation, See **STATUTES OF LIMITATION**
Sterilization, based on refusal to participate — action barred, 50-5-502, 50-5-503
Subdivisions
  out-of-state, in-state sales
    actions involving, 76-4-1204, 76-4-1205
    violations, to enjoin, 76-4-1244
  out-of-state sales violations, accrual of cause, 76-4-1117
  sales or transfers when, 76-3-301
  sanitation violations, 76-4-108 — 76-4-110
Subpoena of witness
  disobedience, damages, 26-2-105
  fees, recovery by state or county, 26-2-508
Support
  child, 40-6-213
  indigent parents, 40-6-303
Swimming pool or area violations, abatement or injunction, 50-53-104
Table wine sales, unfair competition, 16-2-303
Taxation
  assessment
    protest, 15-2-307
    statement of agent to department of revenue, failure to transmit, 15-8-706
    violations, recovery of penalty, 15-8-309
  collection by, 15-16-501, 15-16-503
    coal, gross proceeds tax, 15-23-704
    corporate taxes, 15-31-526
    electric energy producers license tax, 15-51-113
    exempt properties, privilege tax, 15-24-1206
    freight line company license tax, 15-55-107
    gasoline license tax, 15-70-210
    income tax, individual, 15-30-322
    mining, net proceeds tax, 15-23-504, 15-23-508
    oil and gas, net proceeds tax, 15-23-608
    united states lands, taxes on interests in, 15-24-1104
  corporate taxes
    collection, 15-31-526
    forfeiture, enforcement, 15-31-543
    returns, fraud, 15-31-542
  investigation expenses, recovery, 15-1-301
  livestock assessment, for correction, 15-24-910
  protest payments, recovery, 15-1-402, 15-1-403, 15-1-406
  tax deed, for, 15-18-301
  tobacco, to prohibit sales when nonpayment, 16-11-204
Timber, injury to, 70-16-107, 70-16-108
Tobacco tax, nonpayment by wholesalers — action to prohibit sales, 16-11-204
Torts, See **TORTS**
Trademarks and service marks, infringement, 30-13-333, 30-13-335
Trust companies, See **Banks and trust companies**
Trust indentures, foreclosure, See **TRUST INDENTURES**

ACTIONS (Continued)

Unclaimed property
  delivery of property, 70-9-315
  determination of claim, 70-9-312
Unfair trade practices, 30-14-133, 30-14-207, 30-14-220, 30-14-222, 30-14-223
Uniform Commercial Code, enforcement of rights and obligations, 30-1-106
University system, Montana — misuse of name, 20-25-102
Unlawful detainer, See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER**
Usury, recovery of interest, 31-1-108
Utilities
  complaints, initiation by public service commission, 69-3-324
  enforcement actions, 69-3-110
  fines or penalties, recovery, 69-3-110, 69-3-206, 69-3-207
  orders by public service commission, to challenge, 69-3-402
  penalties from, recovery, 69-2-205
  underground conversion, special improvement districts for
    assessments and bonds, validity challenged, 69-4-333
    organization, validity — action attacking, 69-4-320
    postponement until certain actions occur, 69-4-358
Venue, See **VENUE**
Veterans
  employment preference, enforcement, 10-2-206
  reemployment benefits, enforcement, 10-2-214, 10-2-226
Veterinary medicine, to enjoin practice or violations, 37-18-502
Voluntary payment of claim, action to recover overpayment barred, 26-1-706
Wages, See **Salaries and wages**
Water quality
  civil actions, 75-5-614, 75-5-631, 75-5-635
  classification of waters, 75-5-307
  emergencies
    injunction, for, 75-5-622
    orders, review, 75-5-621
  enforcement, 75-5-612, 75-5-616, 75-5-636
  injunctions, for, 75-5-614, 75-5-622
  penalties, recovery, 75-5-611
  permits, compliance, 75-5-616
  pollution
    prevention, abatement, and control — rights unabridged, 75-5-102
    source owners, establishment of existence of trade secrets, 75-5-105
  rulemaking, 75-5-307
  sewage system operators, concerning, 75-5-514
  standards, formulation or revision, 75-5-302, 75-5-307
  violations
    generally, 75-5-611
    prosecution, 75-5-616
Water supply, public — violation of rules or orders, action to collect criminal penalty, 75-6-111
Water treatment plant operators, revocation of certificate, 37-42-308
Water well contractors
  licensees, by, 37-43-401
  licenses, revocation, 37-43-307
Wine sales, unfair competition, 16-2-303
Witnesses
  arrest of, damages, 26-2-403
  failure to attend, 26-2-105
  subpoena, See **Subpoena of witness**
Wrongful death, See **WRONGFUL DEATH**
Yellowstone National Park, jurisdiction, 2-1-207
Zoning violations, prevention or abatement, 76-2-210, 76-2-308

ACTS

  See **LAW, Statutes**; **LEGISLATURE**, generally

ACTS OF CONGRESS RELATING TO THE AUTHENTICATION OF LAWS AND RECORDS

See ANNOTATIONS TO MONTANA CODE ANNOTATED, Vol. I

ACTS OF GOD

Disaster and emergency services, See **EMERGENCIES AND EMERGENCY POWERS**
Health care facility certificate of need, issuance, 50-5-308
Hotel or motel liability for damage to guest's property, 70-6-501
Obligations, excuses performance, 28-1-1301

ACTUARIES

Firefighters' unified retirement system, valuations for, 19-13-504
Fraternal benefit societies, valuations, 33-7-405
Hail Insurance, Board of — valuations for, 80-2-228
Insurance
- commissioner of, employment by, See **INSURANCE, COMMISSIONER OF**
- consultants, practice as, 33-17-502

Police officers' retirement systems, valuations for, 19-9-504, 19-10-205
Public employees' retirement system, functions concerning, See **PUBLIC EMPLOYEES' RETIREMENT SYSTEM**
Teachers' retirement system, valuations for, 19-4-203

ACUPUNCTURE AND ACUPUNCTURISTS

Acupuncture Practice Act of 1974, citation, 37-13-101
Advertising restrictions, 37-13-311
Alcohol abuse, effect, 37-13-311
Board of Medical Examiners, See also **OSTEOPATHY AND OSTEOPATHS; PHYSICIANS AND SURGEONS; PODIATRY AND PODIATRISTS**
- administrative procedures, applicability, 37-13-314
- defined, 37-13-103
- disciplinary actions, 37-13-312
- duties generally, 37-13-201
- educational requirements, schedule, 37-13-201
- fees set by, 37-13-302 — 37-13-306
- funds, 37-13-307
- hearings, 37-13-201, 37-13-312, 37-13-314
- injunction when, 37-13-315
- licenses
  - applications, 37-13-201, 37-13-302
  - cancellation when, 37-13-306
  - certificate, 37-13-304
  - denial, revocation, or suspension, 37-13-201, 37-13-306, 37-13-311 — 37-13-314
  - examinations, 37-13-303
  - fees, 37-13-302 — 37-13-306
  - forms, 37-13-201
  - issuance, 37-13-201, 37-13-304, 37-13-305
  - nonresidents, 37-13-305
  - reciprocity, 37-13-305
  - register, 37-13-304
  - reinstatement, 37-13-306, 37-13-313
  - renewal, 37-13-306
- moneys received, deposit, 37-13-307
- oaths, 37-13-201
- powers generally, 37-13-201
- rules, 37-13-201, 37-13-314, 37-13-316
- seal, 37-13-201
- subpoenas, issuance, 37-13-201
- witnesses, 37-13-201

Citation of Acupuncture Practice Act of 1974, 37-13-101

ACUPUNCTURE AND ACUPUNCTURISTS (Continued)

Controlled substances, effect of violations concerning, 37-13-311
Definitions, 37-13-103
Disciplinary actions, 37-13-312
Drug abuse, effect, 37-13-311
Educational requirements, 37-13-201
Exemptions, partial, 37-13-104
Fees, See **Licenses and licensing**
Fraudulent practices, 37-13-311
Incompetence, 37-13-311
Injunction when, 37-13-315
Legislative purpose, 37-13-102
Licenses and licensing
  applications, 37-13-302
    forms, 37-13-201
  cancellation when, 37-13-306
  certificate, 37-13-304
  denial, suspension, or revocation, 37-13-201, 37-13-306, 37-13-313
    administrative procedures, applicability, 37-13-314
    grounds for, 37-13-311
    procedure, 37-13-312
    reinstatement following suspension, 37-13-313
  discrimination in issuance prohibited, 49-3-204
  examinations, 37-13-303, 37-13-304
  expiration, 37-13-306
  fees, 37-13-302 — 37-13-306
  forms, 37-13-201
  fraudulent practices in obtaining, 37-13-311
  issuance, 37-13-201, 37-13-304, 37-13-305
    discrimination prohibited, 49-3-204
  lapse, 37-13-306
  military service, persons in, 37-13-306
  nonresidents, 37-13-305
  qualifications, 37-13-302
  reciprocity, 37-13-305
  register, 37-13-304
  reinstatement, 37-13-306, 37-13-313
  renewal, 37-13-306
  required, 37-13-301
Malpractice, 37-13-311
Medical Examiners, Board of, See **Board of Medical Examiners**
Mental illness or disability, 37-13-311
Nonresidents, 37-13-305
Practice of
  assumed name, under, 37-13-311
  injunction for unlawful practice, 37-13-315
  license required, 37-13-301
  unqualified, protection from, 37-13-102
Probation, 37-13-312
Purpose of provisions, 37-13-102
Schools of acupuncture
  defined, 37-13-103
  graduation requirements, 37-13-302
Short title, 37-13-101
Unlawful practices
  complaints concerning, 37-13-312
  injunction, 37-13-315
  licenses revoked or suspended for, 37-13-311
  penalty, 37-13-316
Unprofessional conduct, 37-13-102, 37-13-311
Veterinary medicine, practice of, 37-18-102
Violations, See **Unlawful practices**

ACUPUNCTURE PRACTICE ACT OF 1974, Title 37, chapter 13
  See **ACUPUNCTURE AND ACUPUNCTURISTS**

A.D.C.
  See **PUBLIC ASSISTANCE, Aid to dependent children**

ADJOURNMENT
  See **COURTS**; See also **CIVIL PROCEDURE, Continuance or postponement; CRIMINAL PROCEDURE, Continuance**

ADJUSTMENT, BOARD OF

Airport hazards, 67-4-312
Airport zoning, 67-6-205, 67-6-206
Conservation district, See **CONSERVATION DISTRICTS**
County zoning, See **ZONING, County board of adjustment**
Municipal zoning, See **ZONING, Municipal board of adjustment**

ADJUTANT GENERAL
  See **MILITARY AFFAIRS**

ADMINISTRATION, DEPARTMENT OF
  See also **EXECUTIVE BRANCH**, generally

Accounting system, See **STATE FINANCE**
Advisory councils
  incentive awards, See **PUBLIC EMPLOYEES, Incentive program**
  state employee group benefits, for, See **PUBLIC EMPLOYEES, Group benefits**
Asbestos regulation, rulemaking authority, 50-64-103
Audits of governmental entities
  access to
    books and papers, 2-7-508
    public accounts, 2-7-511
  accounting methods, 2-7-504
  annual, requests for, 2-7-503
  bill for audit fees, 2-7-516
    failure to pay, 2-7-517
  definition, 2-7-501
  entities, enumeration, 2-7-503
  examination powers, 2-7-508
  exit review conference, 2-7-512
  fees, 2-7-503, 2-7-516
    deposit, 2-7-518
    nonpayment, 2-7-517
  financial aid to entities withheld when, 2-7-517
  hearings, 2-7-511
  independent contract for, 2-7-506
  made when, 2-7-503
  officers and employees
    assistance by, 2-7-507
    suspension of officer when, 2-7-511
    violations, 2-7-515
  penalty for nonpayment of fees, 2-7-517
  purpose, 2-7-502
  report
    agency action upon, 2-7-515
    contents, 2-7-513
    distribution, 2-7-514

ADMINISTRATION, DEPARTMENT OF (Continued)

Audits of governmental entities (Continued)
  report (Continued)
    issuance and filing, 2-7-511, 2-7-514
    publication, 2-7-521
    review, 2-7-515
  scope, 2-7-505
  special, when, 2-7-503
  standards, 2-7-505
Bad debt procedure, See **STATE DEBT COLLECTION SERVICE**
Bonds, official — duties concerning, 2-9-702, 2-9-802, See also **SURETY BONDS, City officers and employees; County officers and employees**
Boards
  examiners, See **EXAMINERS, BOARD OF**
  investments, See **INVESTMENTS, BOARD OF**
  public employees' retirement, See **PUBLIC EMPLOYEES' RETIREMENT BOARD**
  tax appeal, state, See **STATE TAX APPEAL BOARD**
  teachers' retirement, See **TEACHERS' RETIREMENT SYSTEM**
Bounty claim procedures, 87-1-206
Buildings, duties concerning, See **BUILDINGS AND BUILDING REGULATIONS; CAPITOL AND OTHER STATE BUILDINGS**
Capitol Building and Planning Committee, representation on, 5-17-101
City budgets, duties, See **CITY FINANCE, Budget**
Claims for disbursements, See **STATE FINANCE**
Communications, Division of — emergencies, cooperation with division of disaster and emergency services, 10-3-106
Communication systems, duties regarding, See **STATE GOVERNMENT, Communication systems**, generally
Conservation districts, budget for — submission, 76-15-504
Construction of buildings, duties, See **BUILDINGS AND BUILDING REGULATIONS; CAPITOL AND OTHER STATE BUILDINGS**
Contracts, public — duties respecting, See **PUBLIC CONTRACTS**
Copying equipment and facilities, supervision, 2-17-301
County budgets, duties, See **COUNTY FINANCE, Budget**
Creation, 2-15-1001
Data processing services, 2-17-301, 18-4-111
Deadhead mail facilities, supervision, 2-17-301
Debt collection, See **STATE DEBT COLLECTION SERVICE**
Deferred compensation plans, administration, See **DEFERRED COMPENSATION**
Defunct state agencies, procedures for, 2-19-101, 2-19-102
Department head, See **Director**
Director
  appointment, 2-15-1001
  capitol building and planning committee, member, 5-17-101
  construction, state — pecuniary interest prohibited, 18-2-106
  department head, as, 2-15-1001
  pecuniary interest in state construction prohibited, 18-2-106
  publishing policy committee, member, 2-15-1017
  service of process, upon, 2-9-313
  state treasurer, ex officio — as, 2-15-1002
  surplus property, duties concerning, See **SURPLUS PROPERTY**
Disbursement claims, See **STATE FINANCE, Claims for disbursements**
Discrimination in employment examinations prohibited, 49-3-201
District courts, grants to counties for, Title 7, chapter 6, part 23
Duplicating equipment and facilities, supervision, 2-17-301
Earmarked revenue fund, approval for use of reserve account when, 37-3-314
Elections, bids and printing of voter information pamphlet, 13-27-410
Emergencies
  communications, cooperation to maintain, 10-3-106
  expenditure programs, rulemaking authority, 10-3-311
Employees
  generally, See **Officers and employees**
  state, duties concerning, See **PUBLIC EMPLOYEES**

ADMINISTRATION, DEPARTMENT OF (Continued)

Employment examinations, discrimination prohibited, 49-3-201
Farm mutual insurers, approval of investments when, 33-4-403
Fire department relief associations, duties, See **FIRE DEPARTMENT RELIEF ASSOCIATIONS**
Firefighters' unified retirement system, duties, See **FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM**
Fire safety rules, approval when, 50-3-103
Fiscal responsibilities, See **STATE FINANCE**
Fish and wildlife, duties concerning, See **FISH AND WILDLIFE**
Game wardens' retirement system, collection of fees for administrative expenses, 19-8-203
Governor-elect, assistance for, 2-15-221
Highways, Department of — assistance for, when, 60-11-1103, 60-11-1203
Home Owner's Loan Corporation bonds, security for deposit of public funds, 17-6-103, 17-6-211
Housing authorities' obligations as security for public funds, 17-6-103, 17-6-211
Incentive program for state employees, See **PUBLIC EMPLOYEES**
Information and research system, 90-1-109
Insurance
  buildings, for, See **CAPITOL AND OTHER STATE BUILDINGS**
  employees, state — for, See **PUBLIC EMPLOYEES, Group benefits**
  state, for — responsibilities, See **TORTS, Governmental entities**
Insurers, farm mutual — approval of investments when, 33-4-403
Justice, Department of — cooperation by, 2-17-306
Juveniles, Interstate Compact on — approval for payment of financial obligations imposed by, 41-6-104
Leases, building, See **CAPITOL AND OTHER STATE BUILDINGS**
Legal notices, publication requirements, See **PRINTING**
Legislative auditor, copies of audit reports furnished by, 5-13-304
Livestock diseases, creation of earmarked revenue fund, 15-24-923
Local funds, duties, See **LOCAL FINANCE**
Long-range building program, See **CAPITOL AND OTHER STATE BUILDINGS**
Mailing facilities, supervision, 2-17-301
Merit System Council, See **MERIT SYSTEM COUNCIL**
Messenger service, supervision, 2-17-301
Minors, interstate compact on juveniles — approval of financing, 41-6-104
Montana Code Annotated, publication contracts and bids, 1-11-301
Motor vehicle purchases, requisitions submitted to, 2-17-403
Natural Resources and Conservation, Department of — budget for conservation districts, submission, 76-15-504
Notes, tax and revenue anticipation — recommendations for issuance, 17-1-201
Officers and employees
  conflict of interest in state construction prohibited, 18-2-106
  governor-elect, employees to assist, 2-15-221
  pecuniary interest in state construction prohibited, 18-2-106
  tramway inspectors, employment, 23-2-722
Official bonds, duties concerning, 2-9-702, 2-9-802, See also **SURETY BONDS, City officers and employees; County officers and employees**
Oil and Gas Conservation, Board of — approval of expenditures, 82-11-135
Personnel, state — duties concerning, See **PUBLIC EMPLOYEES**
Police officers' retirement system, duties, See **POLICE OFFICERS' RETIREMENT SYSTEM — LOCAL FUNDS; POLICE OFFICERS' RETIREMENT SYSTEM — STATE PLAN**
Police retirement funds, actuarial valuations, 19-10-205
Population figures, determination by, 15-36-112
Postsecondary vocational-technical center accounts, establishment, 20-7-325
Printing, state, See **PRINTING**
Procurement procedures, See **STATE PURCHASING**
Property of state
  inspection, 2-17-201
  inventory, 2-17-202
  sales, power respecting, 18-6-101 — 18-6-103
Public contracts, duties respecting, See **PUBLIC CONTRACTS**

ADMINISTRATION, DEPARTMENT OF (Continued)

Public employees' retirement
  board administrator, appointment, 19-3-301
  interfund transfers, 19-3-605
Public employees' retirement system, duties, See **PUBLIC EMPLOYEES' RETIREMENT SYSTEM**
Public funds
  duties, See **LOCAL FINANCE**
  rules on security for, 17-6-103
Publishing Policy Committee, See **PRINTING**
Purchases by state, departmental duties, See **STATE PURCHASING**
Railroads
  rehabilitation revenue bonds, issuance and sale, 60-11-1103
  rolling stock revenue bonds, issuance and sale, 60-11-1203
Records
  committee, state, See **PUBLIC RECORDS, State Records Committee**
  management duties, See **PUBLIC RECORDS**
Regents of Higher Education, Board of
  agreements or bond arrangements with, 20-25-433
  bond sales, approval requirements, 20-25-402
  group benefits, authority for — transferred when, 2-18-815
Rental of buildings, See **CAPITOL AND OTHER STATE BUILDINGS, Leases**
Research system, 90-1-109
Retirement systems, duties
  firefighters, See **FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM**
  game wardens, collection of fees for administrative expenses, 19-8-203
  police officers, See **POLICE OFFICERS' RETIREMENT SYSTEM — LOCAL FUNDS; POLICE OFFICERS' RETIREMENT SYSTEM — STATE PLAN**
  public employees, See **PUBLIC EMPLOYEES' RETIREMENT SYSTEM**
  teachers, See **TEACHERS' RETIREMENT SYSTEM**
Revenue anticipation notes, recommendations for issuance, 17-1-201
School district audits, 20-9-203, See **Audits of governmental agencies**, generally
Schools
  extracurricular fund, accounting system for, 20-9-504
  records, approval for destruction, 20-1-212
  state equalization aid overpayments, manner of return, 20-9-344
Sheltered workshops, duties, See **SHELTERED WORKSHOPS**
Small business, determination of definition, 18-5-303
Social security system, duties regarding, See **SOCIAL SECURITY**
Solid waste management system audits, submission to, 75-10-121, 75-10-125
State agencies, procedures for termination, 2-19-101, 2-19-102
State finance, responsibilities, See **STATE FINANCE**
State information and research system, 90-1-109
State insurance, responsibility for, See **TORTS, Governmental entities**, insurance, generally
State land equalization payment claims, See **STATE LANDS, Equalization payments**
State Records Committee, representation on, 2-15-1013
State Tax Appeal Board, See **STATE TAX APPEAL BOARD**
Supreme Court
  decisions, supervision of publication, 3-2-603
  marshal's accounts, approval by department, 3-2-503
Surety bonds for officers and employees, See **SURETY BONDS, State officers and employees**
Surplus property, agency for — administration, See **SURPLUS PROPERTY**
Taxation, duties, See **TAXATION**
Teachers' retirement system, duties, See **TEACHERS' RETIREMENT SYSTEM**
Telephone service, supervision, 2-17-301
Termination of state agencies, procedures for, 2-19-101, 2-19-102
Tramways, supervision, Title 23, chapter 2, part 7, See **TRAMWAYS**
Vehicle Equipment Safety Commission, inspection of accounts, 61-2-208
Vending facilities, notices concerning, 18-5-411

ADMINISTRATION, DEPARTMENT OF (Continued)

Voter information pamphlets — bids, printing, and delivery, 13-27-410
Workers' Compensation Judge, See **WORKERS' COMPENSATION, Judge**

ADMINISTRATIVE APPEALS

  See **APPEALS, ADMINISTRATIVE**

ADMINISTRATIVE CODE

  See generally **ADMINISTRATIVE PROCEDURE; ADMINISTRATIVE RULES**

ADMINISTRATIVE CODE COMMITTEE

Administrative rules and register
  failure to object to, effect, 2-4-412
  publication, 2-4-307, 2-4-311 — 2-4-313, 2-4-401
  review, See **ADMINISTRATIVE RULES, Legislative review**
Appointment to, 5-14-101
Compensation, 2-4-401
Composition, 5-14-101
Defined, 2-4-102
Estimated economic impact statements requested by, 2-4-405
Hearings requested by, 2-4-302
Litigation
  participation, 2-4-402
  reports of, 2-4-410
Meetings, 2-4-401
Officers, 5-14-104
Poll of legislators, See **ADMINISTRATIVE RULES, Legislative poll**
Powers, 2-4-402
Publication of administrative rules and register, 2-4-307, 2-4-311 — 2-4-313, 2-4-401
Reports
  by, 2-4-411
  to, 2-4-314, 2-4-410
Review of administrative rules, See **ADMINISTRATIVE RULES, Legislative review**
Staff, 2-4-401
Term of membership, 5-14-102
Vacancies, how filled, 5-14-103

ADMINISTRATIVE HEARINGS

  See **ADMINISTRATIVE PROCEDURE**

ADMINISTRATIVE PROCEDURE

Administrative Procedure Act, citation, 2-4-101
Banking Board, State — hearings by, 32-1-204, 32-1-205
Building code hearings, 50-60-105
Child support enforcement procedures, review, 40-5-253
Citation of Montana Administrative Procedure Act, 2-4-101
Code Committee, See **ADMINISTRATIVE CODE COMMITTEE**
Construction of provisions, 2-4-107
Consumer Counsel, applicability, 69-2-203, 69-2-204
Consumer protection, hearings, See **TRADE REGULATION AND COMPETITION, Unfair practices**
Contested cases
  acupuncturists' licenses — denial, suspension, or revocation, 37-13-314
  decisions
    final, 2-4-623
    hearing examiner, effect of unavailability, 2-4-622

ADMINISTRATIVE PROCEDURE (Continued)

Contested cases (Continued)
  decisions (Continued)
    judicial review, effect, 2-4-704
    modification, 2-4-621, 2-4-703, 2-4-704
    notification, 2-4-623
    proposal for, 2-4-621
    publication, 2-4-623
    reversal, 2-4-704
    staying, 2-4-711
  defined, 2-4-102
  discovery, 2-4-602
    consumer counsel, applicability, 69-2-203
  disposition, informal, 2-4-603
  ex parte consultations, 2-4-613
  facility siting, applicability
    certification proceedings, 75-20-222
    judicial review of board decision, 75-20-406
  hearing examiners
    appointment, 2-4-611
    decision, effect of unavailability for, 2-4-622
    disqualification, 2-4-611
    powers, 2-4-611
  hearings
    cross-examination, 2-4-612
    evidence, 2-4-612
    judicial notice, 2-4-612
    licensing boards, disciplinary actions conducted as, 37-1-136
    proposed rulemaking, procedures regarding, 2-4-302
  informal disposition, 2-4-603
  informal proceedings, 2-4-604
  judicial review
    appeal from, 2-4-711
    evidence, additional, 2-4-703
    facility siting, board decisions, 75-20-406
    hazardous waste disposal variances, 75-10-408
    immediate, 2-4-701
    initiating, 2-4-702
    medical examiners, board of — decisions, 37-13-314
    petition for, 2-4-603, 2-4-604, 2-4-702
    public service commission orders, when, 69-3-304
    service of process, 2-4-106
    standards, 2-4-704
  licensing provisions, applicability, 2-4-631
  notice requirements, 2-4-601
  proceedings
    informal, 2-4-604
    lobbyists, unprofessional conduct, 5-7-102
  public service commission hearings, 69-3-303
  record and transcription, 2-4-614
  waiver of proceedings when, 2-4-603
Cosmetologists, Board of — rules, 37-32-201
Deaf persons, interpreters for, 49-4-503, See **DEAF PERSONS, Interpreters in official proceedings**
Definitions, 2-4-102
Dentistry, Board of — sanctions imposed by, 37-4-323
Drugs
  registration denial, suspension, or revocation, 50-32-312
  violations, 50-31-504
Effect of provisions, 2-4-107
Environmental impact statement fees, applicability, 75-1-204
Exempt agencies, 2-4-102
Exhaustion, 2-4-702, 18-1-402

ADMINISTRATIVE PROCEDURE (Continued)

Falsification in, See **CRIMES, Falsification in official matters**
Food, Drug, and Cosmetic Act violations, 50-31-504
Foreign corporations, status, 35-1-1002
Grazing districts, applicability, 76-16-110
Health service corporations — actions, decisions, or hearings, 33-30-106, 33-30-112
Hearing examiners
  consultants, private — nonapplicability of provisions, 18-8-103
Hearings
  contested cases, See **Contested cases**
  health service corporation violations, 33-30-112
  hearing aid dispensers — license revocation, suspension, or denial, 37-16-412
  motor vehicles, division of, 61-4-203, 61-4-206
  private investigators and patrol operators, for license denial, 37-60-306
  public accountants, board of, 37-50-341
  public employees' retirement board, by, 19-3-1003, 19-9-901
  solid waste system rules, variances from, 75-10-206
  subdivision sanitation violations, 76-4-108
Highway patrolmen, disciplinary action, Title 44, chapter 1, parts 7 — 9, See **HIGHWAY PATROL, Disciplinary action**
Interpreters for deaf persons, 49-4-503, See **DEAF PERSONS, Interpreters in official proceedings**
Judicial review of contested cases, See **Contested cases**
Licensing provisions, applicability, 2-4-631
Litigation concerning, 2-4-402, 2-4-410
Lobbying provisions, rules for, 5-7-111
Mining, hearings on
  metal mines
    permit application information, admissibility, 82-4-306
    procedure, 82-4-353
  opencut mine operations, 82-4-427
  strip and underground mine operation, 82-4-205, 82-4-206, 82-4-231
  strip and underground mine siting, 82-4-130
Montana Administrative Register, See **ADMINISTRATIVE RULES, Register**
Parties to proceedings
  contested cases, See **Contested cases**, generally
  remedies, See **Contested cases**, judicial review
  representation by counsel, 2-4-105
  subpoenas requested by, enforcement, 2-4-104
Private investigators and patrol operators, hearings for license denial, 37-60-306
Public Accountants, Board of — hearings and rulemaking proceedings, 37-50-341
Public contractors, complaints against, 15-50-302
Public Service Commission hearings, applicability, 69-3-303
Register, Montana Administrative, See **ADMINISTRATIVE RULES, Register**
Rules, See **ADMINISTRATIVE RULES**
Sales finance companies, on license, 31-1-222
Sanitarians, Board of — rules, 37-40-203
Securities registration, See **SECURITIES AND SECURITIES REGULATION**
Service of process, 2-4-106
Short title, 2-4-101
Special fuel licenses and permits, hearing on
  refusal, 15-70-305
  revocation or suspension, 15-70-306
Speech pathologists and audiologists — license denial, suspension, or revocation, 37-15-321
Statements regarding, public availability, 2-4-103
State Tax Appeal Board, applicability of laws, 15-2-301, 15-2-302
Subpoenas, issuance and enforcement, 2-4-104, 2-4-611
Taxation
  appeals, See **COUNTY TAX APPEAL BOARD; STATE TAX APPEAL BOARD**
  assessment review conference, exclusion, 15-8-601, 15-23-102
  classifications, special — hearing on, 15-6-152
  corporate deficiency assessments, protest, 15-31-503

ADMINISTRATIVE PROCEDURE (Continued)

Taxation (Continued)
  freight line company license tax, failure to file report, 15-55-103
  income tax refunds, disapproval of claim, 15-30-149
  land development controls, boundary changes, 15-24-1314
  metal mines license tax, hearings on erroneous statement of proceeds, 15-37-109
  refunds, hearing on disallowance, 15-1-503
  state tax appeal board, applicability of laws, 15-2-301, 15-2-302
Unfair trade practices, See **TRADE REGULATION AND COMPETITION, Unfair practices**
Witnesses for, 2-4-104

ADMINISTRATIVE PROCEDURE ACT, Title 2, chapter 4

  See **ADMINISTRATIVE PROCEDURE**

ADMINISTRATIVE REGISTER

  See **ADMINISTRATIVE RULES, Register**

ADMINISTRATIVE RULES

Adoption, amendment, or repeal
  authority for adoption, 2-4-301, 2-4-305
  emergency rules, See **Emergency rules**
  estimated economic impact statements, effect, 2-4-405
  failure to object to, effect, 2-4-412
  hearings, 2-4-302
  invalid when, 2-4-506
  legislative changes, 2-4-412
  notice requirements, 2-4-302, 2-4-305
  petition for, 2-4-307, 2-4-315
  policy implemented by adoption, citation to, 2-4-305
  publication omitted when, 2-4-307
  recommendations for, 2-4-402, 2-4-411
  reference, adoption by, 2-4-307
  repeal procedures, 2-4-412
  review regarding, 2-4-314, 2-4-402
  statement of reasons for adoption, 2-4-305, 2-4-312
Amendment, See **Adoption, amendment, or repeal**
Authority
  citation, inclusion, 2-4-305
  clarification, recommendations regarding, 2-4-314
  generally, 2-4-301
Code Committee, See **ADMINISTRATIVE CODE COMMITTEE**
Contested cases, See **ADMINISTRATIVE PROCEDURE**
Costs, 2-4-306, 2-4-311 — 2-4-313
Declaratory judgments on validity and application, 2-4-506
Declaratory rulings
  agencies, by, 2-3-113, 2-4-501, 2-4-623
  publication, 2-3-113, 2-4-312, 2-4-623
Definitions, 2-4-102, 2-4-321
Distribution, 2-4-313
Effective date, 2-4-306
Emergency rules
  adoption and period of effectiveness, 2-4-303
  dissemination, 2-4-306
  effective date, 2-4-306
Exempt agencies, 2-4-102
Filing, 2-4-306
Format, 2-4-306

ADMINISTRATIVE RULES (Continued)

Hearings
  amendments, concerning incorporation by reference, 2-4-307
  emergency rules, 2-4-303
  generally, 2-4-302
  required when, 2-4-402
Informal conferences or committees, 2-4-304
Insurers, notice of hearing and supervision orders — applicability, 33-2-1321
Invalidity, 2-4-322, 2-4-323, 2-4-506
Judicial notice, 2-4-505
Judicial review
  declaratory rulings, 2-3-113, 2-4-501
  emergency rules, subject to, 2-4-303
Legislative poll, 2-4-403, 5-18-109
  evidentiary value, 2-4-404, 5-18-110
  publication, 2-4-306
Legislative review
  administrative code committee, by, 2-4-402
  generally, 2-4-412
  proposed rules, 2-4-402
Litigation concerning, 2-4-402, 2-4-410
Maintenance, 2-4-313
Model, 2-4-202
Montana Administrative Register, See **Register**
Notices
  adoption of rules, 2-4-305
  amendments, incorporation by reference, 2-4-307
  emergency rules, 2-4-303
  format, style, and arrangement, 2-4-306
  judicial, 2-4-505
  proposed rulemaking, of, 2-4-302, 2-4-307
  publication, 2-4-302, 2-4-312
  requirements, 2-4-302
Omissions, 2-4-307
Organizational, 2-4-201
Policy implemented by, citation and description, 2-4-305
Poll of legislators, See **Legislative poll**
Procedural, 2-4-201
Proposed rules
  estimated economic impact statements, 2-4-405
  legislative intent, consistent with, 2-4-403, 5-18-109
  notice requirements, 2-4-302
  policy implemented by, citation to, 2-4-305
  publication omitted when, 2-4-307
  review, 2-4-402
  same rule, reintroduction — effect, 2-4-302
  submission of views, See **Submission of views concerning**
Publication
  declaratory rulings, 2-4-501
  estimated economic impact statements, 2-4-405
  frequency, 25-3-502, 25-3-503
  interstate compacts, uniform rules, 2-4-102
  notices, generally, 2-4-302, 2-4-312
  omissions from rules or register, 2-4-307
  register, generally, 2-4-312
  rules, generally, 2-4-311
  supplements, 2-4-311, 2-4-313
Public availability, 2-4-103
Public participation, See **PUBLIC PARTICIPATION IN GOVERNMENT**, generally
Recodification and refiling
  agency duties, 2-4-322
  definitions, 2-4-321
  effect, 2-4-323

ADMINISTRATIVE RULES (Continued)

Refiling, See **Recodification and refiling**
Register
  contents, 2-4-312
  declaratory rulings, 2-4-501
  defined, 2-4-102
  estimated economic impact statements, 2-4-405
  maintenance, 2-4-306
  Montana farm products, standard grades — publication, 80-3-104
  notices published in, 2-4-302, 2-4-307, 2-4-312
  omissions, 2-4-307
  publication and arrangement, 2-4-312, 2-4-313
Repeal, See **Adoption, amendment, or repeal**
Review
  biennial, 2-4-314
  judicial, See **Judicial review**
  legislative, See **Legislative review**
Revisions, 2-4-313
State Tax Appeal Board, authority, 15-2-301
Statutory language, use, 2-4-305
Submission of views concerning, 2-4-302
  consideration, 2-4-305
  informal conferences or committees, 2-4-304
Substantive rules
  defined, 2-4-102
  effectiveness, requisite, 2-4-305
  submission of views concerning, 2-4-302
Supplements, 2-4-311, 2-4-313
Suspension, 2-4-322
  emergency, 10-3-104
Validity
  declaratory judgments on, 2-4-506
  proceedings involving, evidence, 2-4-404, 2-4-412
  refiling, effect, 2-4-322
  requisites for, 2-4-305

ADMINISTRATOR

  See **ESTATES AND PROBATE PROCEEDINGS**, **Personal representative**

ADMISSIBILITY

  See **EVIDENCE**

ADMISSIONS

  See **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**, **Confessions**

ADOLESCENTS

  See **MINORS**, generally

ADOPTION

Abortion, presentation as alternative to, 50-20-104
Abused or neglected children, public agencies right to consent, 41-3-302
Adoptive parents
  defined, 40-8-103
  inheritance from child, 40-8-125
  proof of parent and child relationship, 40-6-104, 40-8-125
Adults, procedure for adoption of, 40-8-104, 40-8-201, 40-8-202

ADOPTION (Continued)

- **Agencies**
  - child placed in, when, 40-6-125, 40-6-130, 40-6-134
  - defined, 40-8-103
  - licensing, Title 53, chapter 4, part 4
  - placement of child for adoption, 40-8-108
- **Appeals**, 40-8-124, 40-8-127
- **Birth certificate**, 50-15-303, 50-15-304, See also **VITAL STATISTICS**, generally
- **Certificate recording**, 50-15-303, 50-15-304, See also **VITAL STATISTICS**, generally
- **Children born out of wedlock**, release or consent for, 40-6-125, 40-6-128, 40-6-130
- **Child's consent required when**, 40-8-113
- **Citation of Uniform Adoption Act**, 40-8-101
- **Confidentiality of records and proceedings**, 40-8-126
- **Consent**
  - acknowledgment, 40-8-111
  - adult adoption, 40-8-201
  - child 12 or older, consent by, 40-8-113
  - copy, filing, 40-8-121
  - irrevocable when, 40-8-112
  - required, 40-8-111
  - state or county when, 41-3-302
  - withdrawal, 40-8-112
- **County welfare department**
  - confidentiality of records, 40-8-126
  - consent for adoption, right to give, 41-3-302
- **Decree**, See **Final decree**; **Foreign decree**; **Interlocutory decree**
- **Definitions**, 40-8-103
- **Denial**, 40-8-124
- **District court**
  - jurisdiction, 40-8-107
  - parental placement, procedures, 40-8-109
- **Eligibility**
  - for adoption, 40-8-104, 40-8-105
  - to adopt, 40-8-106
- **Evidence**, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
- **Expected child**
  - notice of parental placement, 40-8-109
  - petition and notice of intent to release, 40-6-127
- **Final decree**
  - consent made irrevocable, 40-8-112
  - effect, 40-8-125
  - issued when, 40-8-123, 40-8-124
- **Foreign decree**, 40-8-128
- **Guardians**, consent required when, 40-8-111
- **Hard-to-place children**, Title 53, chapter 4, part 3
- **Hearings**, 40-8-109, 40-8-124
  - privacy of, 40-8-109, 40-8-126
- **Hearsay exceptions**, Title 26, chapter 10, M.R.Ev., Rule 803
- **Illegitimate children**
  - disclosure of information, 50-15-206
  - release or consent for, 40-6-125, 40-6-128, 40-6-130
- **Inheritance rights**, 40-8-125
- **Interlocutory decree**
  - adult adoption, applicability, 40-8-202
  - consent made irrevocable, 40-8-112
  - issuance, 40-8-124
  - waiver, 40-8-123
- **Interstate placement of children**, Title 41, chapter 4, See **MINORS, Interstate Compact on the Placement of Children**
- **Investigations**
  - continuance during waiting period, 40-8-124

ADOPTION (Continued)

Investigations (Continued)
  reports
    contents and filing, 40-8-122
    examination of, 40-8-123, 40-8-124
  required when, 40-8-122
Jurisdiction of district court, 40-8-107
Minor parent, release of child, 40-8-105
Mother's relinquishment of child, 40-6-125, 40-6-127, 40-6-128, 40-6-130
Nonsupport by adoptive parents, See **CHILD SUPPORT**, **Administrative enforcement**, generally
Parent and child relationship
  defined, 40-6-102
  existence of, 40-6-104, 40-8-125
  legal, termination, 41-3-611
Parents, natural
  consent required when, 40-8-111
  definitions, 40-8-103
  placement of child for adoption, 40-8-108, 40-8-109
  relinquishment of child when, 40-6-125, 40-6-127, 40-6-128, 40-6-130
  responsibilities and rights, termination, 40-6-134, 40-8-109, 40-8-125
Paternity proceedings, adoption through, See **PATERNITY PROCEEDINGS**
Petition
  contents and filing, 40-8-121
  service on natural parents, 40-8-124
Placement for
  defined, 40-8-103
  parents, by, 40-8-108, 40-8-109
  who may place, 40-8-108
Proceedings
  confidentiality, 40-8-109, 40-8-126
  venue, 40-8-107
Records
  confidentiality, 40-8-126
  generally, 50-15-303, 50-15-304, See also **VITAL STATISTICS**, generally
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Relinquishment of child for, 40-6-125, 40-6-128, 40-6-130, 40-6-132 — 40-6-134, 40-8-105
  defined, 40-8-103
Reports
  confidentiality, 40-8-126
  contents and filing, 40-8-122
  examination of, 40-8-123, 40-8-124
  purpose, 40-8-122
Rules of Civil Procedure, applicability, 40-8-124
Service of process, 40-8-124
Social and Rehabilitation Services, Department of
  agency licensing, Title 53, chapter 4, part 4
  consent for adoption
    right to give, 41-3-302
    witnessed by, when, 40-8-111
  defined, 40-8-103
  examination of child, 40-8-109
  hard-to-place children, supervision, Title 53, chapter 4, part 3
  investigation by, 40-8-122
    continuance when, 40-8-124
  notice of hearing served on, 40-8-124
  petition, copy filed with, 40-8-121
  placement of child for adoption, 40-8-108
  reports
    confidentiality, 40-8-126
    contents and filing, 40-8-122
Stepchildren by stepparent, 40-8-106, 40-8-123

ADOPTION (Continued)

Subsidized Adoption Act Of 1977, Title 53, chapter 4, part 3, See **Hard-to-place children**
Support enforcement, effect on, 40-5-112, 40-5-131
Uniform Adoption Act
    citation, 40-8-101
    uniformity, 40-8-102
Uniform Child Custody Jurisdiction Act, Title 40, chapter 7, See **CHILD CUSTODY**
Uniform Parentage Act, Title 40, chapter 6, part 1, See **PATERNITY PROCEEDINGS**
Venue, 40-8-107
Vital statistics, 50-15-303, 50-15-304, See also **VITAL STATISTICS**, generally
Waiting period, 40-8-124
    waiver, 40-8-123

ADULTERATED GOODS

See **TRADE REGULATION AND COMPETITION**

ADULT FOSTER FAMILY CARE ACT, Title 53, chapter 5, part 3

See **FOSTER HOMES**, **Adults**

ADULTS

Adoption of, 40-8-104, 40-8-201, 40-8-202
Defined, 41-1-101, 41-5-103
Education, continuing, See **SCHOOLS**, **Adult education**
Foster care, See **FOSTER HOMES**
Majority, age of, 41-1-101, 41-1-102
Residence, rules for determining, See **RESIDENCE**
Schools, admittance, 20-5-101

ADVERSE CLAIM

Documents of title, 30-7-603
Investment securities, 30-10-406, See also **SECURITIES AND SECURITIES REGULATION**

ADVERSE POSSESSION

See **REAL PROPERTY**

ADVERTISING

Abortion — abortifacients, facilities, or services prohibited, 50-20-109
Accountants, advertising restrictions, 35-4-103, 35-4-201
Acupuncturists, restrictions, 37-13-311
Alcoholic beverages
    beer, restrictions
        brewers and wholesalers, 16-3-241
        retail licensees, 16-3-244
    restrictions and exemptions, 16-3-103
Architects, advertising restrictions, 35-4-103, 35-4-201
Attorneys at law, advertising restrictions, 35-4-103, 35-4-201, 37-61-201
Auction of confiscated wildlife, notice of sale, 87-1-511, 87-1-513
Banks and trust companies
    authorization of bank required before, 32-1-401
    capital stock, 32-1-451
    corporate name, restrictions on, 32-1-402
    electronic funds transfers, 32-6-307
    false advertising prohibited, penalties, 32-1-401 — 32-1-403
    foreign corporations, 32-1-103

ADVERTISING (Continued)

Banks and trust companies (Continued)
    injunction issued when, 32-1-402
    resources and liabilities, statement of, 32-1-451
    unlawful when, 32-1-401 — 32-1-403
Barbershops, schools, or colleges — restrictions, 37-30-425
Billboards, See **OUTDOOR ADVERTISING**, generally
Buildings, state — bids for construction, 18-2-103, 18-2-301
Campaign
    materials may not be anonymous, 13-35-225
    petty cash, prohibited use, 13-37-215
Chiropractors, advertising restrictions, 35-4-103, 35-4-201
Cigarettes
    coupons or other articles, selling in combination with, 16-10-202
    price in advertising, 16-10-203
    unlawful when, 16-10-301, 16-10-304
Community college district contracts, procedures, 20-15-104
Confiscated wildlife, notice of sale, 87-1-511, 87-1-513
Consumer loan businesses, limitations on, 32-5-309, 32-5-402, 32-5-406, 32-6-307
Contraceptive drugs and devices, 45-8-204
Contracts
    construction — bid requirements for department of fish, wildlife, and parks projects, 87-1-211
    public, bid security, 18-1-202
Cosmetics, See **COSMETICS**
Cost of doing business, as, 30-14-202
Credit unions, limitations on, 32-3-103, 32-6-307
Deceptive, See **False advertising**
Defined, 50-31-103
Dental laboratories, by, See **DENTISTRY AND DENTISTS**
Dentists, by, See **DENTISTRY AND DENTISTS**
Drug paraphernalia, unlawful, 45-10-106
Drugs, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Elections, See **Campaign**
Electronic funds transfers, 32-6-307
Engineers, advertising restrictions, 35-4-103, 35-4-201, 37-67-102, 37-67-301
Exemptions, 30-14-105
False advertising
    banks and trust companies, 32-1-401 — 32-1-403
    barbershops, schools, or colleges, 37-30-425
    consumer loan businesses, 32-5-309
    cosmetics, See **COSMETICS, Advertising**
    credit unions, 32-3-103
    deceptive business practices, 30-14-102, 30-14-103, 30-14-142, 45-6-318, See **TRADE REGULATION AND COMPETITION, Unfair practices**
    drugs, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Advertising**
    exemptions, 30-14-105
    finance companies, 32-5-309
    food, See **FOOD AND FOOD PRODUCTS, Advertising**
    guides and outfitters, 87-4-121, 87-4-141
    health service corporations, 33-30-305
    hearing aid dispensers, 37-16-411
    insurance
        generally, 33-18-203, 33-22-814
        policies, 33-18-202
    investment companies, 32-1-401 — 32-1-403
    loan companies, 32-5-309
    outfitters and guides, 87-4-121, 87-4-141
    real estate brokers or salesmen, 37-51-321
    sanitarians, 37-40-312
    savings banks, 32-1-401 — 32-1-403

ADVERTISING (Continued)

False advertising (Continued)
  subdividers, 76-4-1236, 76-4-1241, 76-4-1243
  trust companies, 32-1-401 — 32-1-403
Farm products, Montana — grades to be included, 80-3-107, 80-3-111
Finance companies, limitations on, 32-5-309, 32-5-402; 32-5-406, 32-6-307
Fish, Wildlife, and Parks — Department of
  confiscated wildlife, notice of sale, 87-1-511, 87-1-513
  construction projects, bid requirements, 87-1-211
  land and water sales, bid requirements, 87-1-209
Flag, using unlawful, 45-8-215
Food, See **FOOD AND FOOD PRODUCTS**
Grazing districts, trespassing livestock — sale, 76-16-316
Handicapped persons, parking permit provisions, 49-4-306
Health service corporations, prohibited practices, 33-30-305
Hearing aid dispensers, 37-16-401, 37-16-411
Highways, adjacent to, See **OUTDOOR ADVERTISING**
Insurance
  administrators, by, 33-17-612
  false or deceptive advertising prohibited, 33-18-202, 33-18-203, 33-22-814
Insurers, domestic stock and mutual, 33-3-502
Investment companies, See **Banks and trust companies**
Land sales, bid requirements for, 87-1-209
Landscape architects, 37-66-302
Land surveyors, 37-67-102, 37-67-301
Legal, See **PRINTING**, **Legal notices by or for state, publication**; specific subject area
Livestock
  estrays, following possession, 81-4-603
  trespassing, sale, 76-16-316
Loan companies, limitations on, 32-5-309, 32-5-402, 32-5-406, 32-6-307
Lotteries, advertising unlawful, 23-5-205 — 23-5-207
Nurses, advertising restrictions, 35-4-103, 35-4-201
Obscenity, 45-8-201
Offensive material, 45-8-202
Optometrists, by, See **OPTOMETRY AND OPTOMETRISTS**
Osteopaths, advertising restrictions, 35-4-103, 35-4-201
Outdoor, See **OUTDOOR ADVERTISING**
Outdoor Advertising Act, Title 75, chapter 15, part 1, See **OUTDOOR ADVERTISING**
Outfitters and guides, 87-4-102
Packaged commodities, requirements, 30-12-305
Pharmacies, by, See **PHARMACY AND PHARMACISTS**
Physical therapists, advertising restrictions, 35-4-103, 35-4-201
Physicians, advertising restrictions, 35-4-103, 35-4-201, 50-20-109
Podiatrists, advertising restrictions, 35-4-103, 35-4-201, 37-6-301, 37-6-311
Pornography, 45-8-201, 45-8-202
Private investigators and patrol operators, 37-60-403
Purchasing, state, 18-4-102
  bids, procedures, 18-4-202
  small businesses, notice to successful bidder, 18-5-306
  small business set-asides, 18-5-304
Quantity declarations, 30-12-305
Real estate brokers or salesmen, 37-51-102, 37-51-301, 37-51-321
Records, 30-13-143, 30-13-144
Sanitarians, false advertising, 37-40-312
Savings banks, See **Banks and trust companies**
School district contracts, bid requirements, 20-9-204
Sexual material, offensive, 45-8-202
Sound recordings, 30-13-143, 30-13-144
Speech pathologists and audiologists, unethical practices, 37-15-102
State buildings, bids for construction, 18-2-103, 18-2-301
State lands
  leases, for, 77-3-407, 77-6-202
  sales, unlawful when, 77-4-201

ADVERTISING (Continued)

Subdivisions, out-of-state — in-state sales
  application for registration, copy included, 76-4-1230
  false advertising, 76-4-1236, 76-4-1241, 76-4-1243
  regulation, 76-4-1234
  standards, 76-4-1203, 76-4-1205
Subdivisions, out-of-state sales, 76-4-1104, 76-4-1114
Timber sales, 7-8-2604, 77-5-201
Traffic-control devices, on — prohibited, 61-8-210
Trust companies, See **Banks and trust companies**
Utilities, treatment of costs and expenses, 69-3-307
Veterinarians, advertising restrictions, 35-4-103, 35-4-201
Violent material, offensive, 45-8-202
Weight declarations, 30-12-305
Wildlife, confiscated — notice of sale, 87-1-511, 87-1-513

ADVICES OF CREDIT

  See **LETTERS OF CREDIT**

ADVISORY COUNCILS

  See **EXECUTIVE BRANCH; STATE AGENCIES**

AERIAL SPRAYING

Crop dusting, liens for, See **LIENS**
Insect control, for, See **INSECTS AND INSECT CONTROL, Control programs**, generally
Liens for, See **LIENS, Crop dusting, liens for**
Pesticide applicator licensing, See **PESTS AND PESTICIDES, Applicators**

AERIAL TRAMWAYS, Title 23, chapter 2, part 7

  See **TRAMWAYS**

AERONAUTICS

  See also **AIRPORTS AND LANDING FIELDS**

Accidents
  hearings on, 67-2-502
  insurance against, See **Liability insurance**
  reporting, 67-2-401
Aerial spraying, See generally **INSECTS AND INSECT CONTROL, Control programs; LIENS, Crop dusting, liens for; PESTS AND PESTICIDES, Applicators**
Air carriers, See also **CARRIERS, Passenger carriers**, generally
  accidents, See **Accidents**
  aeronautics, board of — regulatory power, 67-3-421
  alcoholic beverages served on, See **ALCOHOLIC BEVERAGES, Carriers**, generally
  annual report, filing, 67-3-421
  appeal of district court judgments, 67-3-427
  blind persons as passengers, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
  certificate of public convenience and necessity
    application, 67-3-422
    combinations, 67-3-423
    criteria for issuance, 67-3-422
    encumbrance of, 67-3-423
    fee, 67-3-422
    hearings, 67-3-423, 67-3-428

AERONAUTICS (Continued)

Air carriers (Continued)
  certificate of public convenience and necessity (Continued)
    operation without, 67-3-427
    required, 67-3-422
    suspension, amendment, or revocation, 67-3-424, 67-3-426
    transfer, 67-3-423
  charter airplanes exempt from provisions, 67-3-429
  court proceedings, 67-3-427
  defined, 67-1-101
  discontinuance of service, 67-3-425
  discriminatory practices prohibited, See **DISCRIMINATION**, generally
  enforcement of regulations
    generally, 67-3-427
    jurisdiction in district court, 67-3-427
  exceptions from regulations, 67-3-429
  garbage disposal methods, inspection, 81-2-510
  hearings, 67-3-425, 67-3-427, 67-3-428
  injunction for enforcement of regulations, 67-3-427
  insurance required, See **Liability insurance**
  licensing, See **Licensing**
  notice requirements for hearings, 67-3-428
  pilots, See **Licensing**
  rates and charges, establishment, 67-3-421, 67-3-425
  regulation, 67-3-421
  taxation, See **TAXATION**
  violations, 67-3-424, 67-3-426, 67-3-427
  visually handicapped persons as passengers, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Aircraft
  accidents, See **Accidents**
  dealers, licensing, See **Licensing**, aircraft dealers
  defined, 67-1-101
  forced landings, 67-1-204
  foreign, 67-3-102
  gasoline taxes, See **TAXATION**, **Gasoline and vehicle fuels**, gasoline license tax
  harassment of wildlife unlawful, 87-3-126
  herding wildlife unlawful when, 87-3-126
  hunting from, unlawful, 87-3-126
  insurance
    loss or damage, against, See generally **INSURANCE — CASUALTY**
    required, See **Liability insurance**
  landings unlawful when, 67-1-204
  licensing, See **Licensing**
  livestock harassment unlawful, 67-1-204
  mechanics and crew, licensing, See **Licensing**
  military, 67-3-102
  model, 67-3-102
  pilots, See **Licensing**
  predators, hunting, See **PREDATORS AND PREDATOR CONTROL**, **Aerial hunting**
  registration, See **Licensing**, aircraft
  repair shops, licensing, See **Licensing**
  secured transactions, 30-9-103, See **SECURED TRANSACTIONS**, **General intangibles**
  tampering unlawful, 45-8-113
  taxation, See **TAXATION**
  unauthorized use, criminal charges, 45-6-308
Air instruction, See **Licensing**
Airlines, See **Air carriers**
Airplanes, See **Aircraft**
Airport Authorities Act, Title 67, chapter 11, See **AIRPORTS AND LANDING FIELDS**
Airports, generally, See **AIRPORTS AND LANDING FIELDS**

AERONAUTICS (Continued)

Airport Zoning Act, Title 67, chapter 6, See **AIRPORTS AND LANDING FIELDS, Zoning and hazard regulations**
Board of
  advisor to department of commerce, 67-1-103
  allocation, 2-15-1812
  certificate of public convenience and necessity, 67-3-422 — 67-3-424
  composition, 2-15-1812
  expenses of members, 67-1-301
  industrial revenue projects, 67-1-302
  location of offices, 67-1-103
  meetings, 67-1-103
  quasi-judicial, designation as, 2-15-1812
  regulatory and enforcement powers, Title 67, chapter 3, part 4
  reports to, 67-3-421
  termination, 2-8-103
Citation of Uniform State Law for Aeronautics, 67-1-201
City and county establishment of airports, See **AIRPORTS AND LANDING FIELDS**, generally
Commerce, Department of
  accidents, See **Accidents**
  agent for
    airport authorities generally, 67-11-305
    state or municipality when, 67-2-403, 67-10-405
  agisters' liens, enforcement, 67-2-302
  eminent domain, right of, 67-2-301
  employees
    liability to testify, 67-2-503
    salaries, 67-1-301
  enforcement powers, 67-2-501 — 67-2-503, 67-3-427
  expenses, how paid, 67-1-301
  federal government
    aid and moneys, receipt, 67-1-301, 67-2-403
    cooperation with, 67-2-101, 67-2-401, 67-2-403
  hearings, 67-2-502, 67-2-503
  injunction, enforcement by, 67-2-501
  insurance required of commercial air operators, See **Liability insurance**
  investigations, 67-2-502
    reports of, use limited, 67-2-503
  licensing orders, 67-3-104
  municipalities
    cooperation with, 67-2-402
    lease or rental of state facilities to, 67-2-302
  police power, 67-2-501
  powers and duties generally, 67-2-101, 67-2-102
  records, availability to federal agencies, 67-2-401
  revenue, acquisition and disbursement, 15-70-204, 15-70-221, 67-1-301, 67-1-303, 67-2-403
  rulemaking authority, 67-2-102
  salaries of aeronautics employees, 67-1-301
  state airports, See **AIRPORTS AND LANDING FIELDS**
  subpoenas, power to issue, 67-2-502
  supervision of state aeronautics, 67-2-101
Commercial air operators insurance requirements, See **Liability insurance**
County airports, See **AIRPORTS AND LANDING FIELDS**, generally
Crop spraying, See generally **INSECTS AND INSECT CONTROL, Control programs**; **LIENS, Crop dusting, liens for**; **PESTS AND PESTICIDES, Applicators**
Dangerous obstructions near airports, control, See **AIRPORTS AND LANDING FIELDS, Zoning and hazard regulations**
Dealers, aircraft, See **Licensing**, aircraft dealers
Definitions, 67-1-101, 67-5-102
Drug violations, forfeiture of aircraft, 44-12-102
Enforcement of laws, 67-2-501 — 67-2-503, 67-3-427
Establishment of airports, See **AIRPORTS AND LANDING FIELDS**, generally

AERONAUTICS (Continued)

Federal aid and cooperation, 67-1-301, 67-2-101, 67-2-401, 67-2-403
Federal laws, effect, 67-1-102, 67-1-206, 67-2-102
Flight and landings unlawful when, 67-1-204
Flight schools, See **Licensing**, instructors
Flying clubs, See **Licensing**, instructors
Forced landings, 67-1-204
Functions, governmental and public, 67-1-104
Hazards, See **AIRPORTS AND LANDING FIELDS**, **Zoning and hazard regulations**
Industrial revenue projects, 67-1-302
Injunctions, 67-2-501, 67-3-427
Instructors, See **Licensing**
Insurance requirements, See **Liability insurance**
Intergovernmental cooperation, 67-2-101, 67-2-401 — 67-2-403
Interpretation of Uniform State Law for Aeronautics, 67-1-206
Liability insurance
- amount necessary, 67-3-402
- cancellation, 67-3-404
- continuation, 67-3-401, 67-3-404
- hearings on, 67-3-402
- policy, copy to mortgagor or pledgor, 33-15-412
- proof of, 67-3-403
- required, 67-3-401, 67-3-426
- violation, 67-3-405

Licensing
- air carriers
  - denial, 67-3-104
  - display, 67-3-103
  - exceptions, 67-3-102, 67-3-201
  - federal license
    - possession, 67-3-103
    - registration, 67-3-101
  - fee, 67-3-101
  - general provisions, 67-3-101
  - renewal, 67-3-101
  - revocation, 67-2-401, 67-3-101, 67-3-104
- aircraft
  - denial, 67-3-104
  - display, 67-3-103, 67-3-202
  - exceptions, 67-3-102, 67-3-201
  - federal license
    - possession, 67-3-103
    - registration, 67-3-101, 67-3-201
  - fee, 67-3-101, 67-3-201
  - general provisions, 67-2-401
  - renewal, 67-3-101, 67-3-201
  - required, 67-3-201
  - revocation, 67-2-401, 67-3-101, 67-3-104
  - state, exemption, 67-3-201
  - taxation, 67-3-201, 67-3-202
  - violations and penalties, 67-3-202
- aircraft dealers
  - denial, 67-3-104
  - display, 67-3-103
  - exceptions, 67-3-102
  - fee, 67-3-101
  - general provisions, 67-3-101
  - renewal, 67-3-101
  - revocation, 67-3-104
- appeal procedures, 67-3-104
- certificate of registration as license, 67-3-101
- denial, 67-3-104
- discrimination in issuance prohibited, 49-3-204

AERONAUTICS (Continued)

Licensing (Continued)
- display, 67-3-103
- exceptions, 67-3-102
- federal licenses
  - possession, 67-3-103
  - registration, 67-3-101, 67-3-201, 67-3-211
- general provisions, 67-3-101
- inspection of premises, 67-3-104
- instructors
  - denial, 67-3-104
  - exceptions, 67-3-102
  - federal license
    - possession, 67-3-103
    - registration, 67-3-101, 67-3-211, 67-3-221
  - fee, 67-3-101
  - general provisions, 67-3-101
  - renewal, 67-3-101
  - requirements, 67-3-211, 67-3-221
  - revocation, 67-2-401, 67-3-101, 67-3-104
- mechanics and crew
  - denial, 67-3-104
  - display, 67-3-103
  - exceptions, 67-3-102
  - federal license
    - possession, 67-3-103
    - registration, 67-3-101, 67-3-211
  - fee, 67-3-101
  - general provisions, 67-3-101
  - renewal, 67-3-101
  - requirements, 67-3-211
  - revocation, 67-2-401, 67-3-101, 67-3-104
- nonresidents, 67-3-102
- orders of department of commerce, 67-3-104
- pilots
  - denial, 67-3-104
  - display, 67-3-103
  - exceptions, 67-3-102
  - federal license
    - possession, 67-3-103
    - registration, 67-3-101, 67-3-211
  - fee, 67-3-101
  - general provisions, 67-3-101
  - renewal, 67-3-101
  - requirements, 67-3-211
  - revocation, 67-2-401, 67-3-101, 67-3-104
- possession, 67-3-103
- repair shops
  - denial, 67-3-104
  - display, 67-3-103
  - exceptions, 67-3-102
  - fee, 67-3-101
  - general provisions, 67-3-101
  - renewal, 67-3-101
  - requirements, 67-3-211
  - revocation, 67-2-401, 67-3-104

Livestock harassment unlawful, 67-1-204

Mechanics and crew, licensing, See **Licensing**

Municipal airport authorities, See **AIRPORTS AND LANDING FIELDS**, **Airport authorities**

Municipal Airports Act, Title 67, chapter 10, See **AIRPORTS AND LANDING FIELDS**, **Municipal airports**

AERONAUTICS (Continued)

Municipalities
  airports, establishment and zoning, See **AIRPORTS AND LANDING FIELDS**, generally
  assistance by department of commerce, 67-2-402, 67-2-403
  defined, 67-1-101
  federal and private aid, 67-2-403
Nonresident licensing exceptions, 67-3-102
Obstructions, See **AIRPORTS AND LANDING FIELDS, Zoning and hazard regulations**
Ownership in space, 67-1-202, 67-1-203
Penalties for violations
  generally, 67-1-105
  uniform state law, 67-1-205
Pilots, licensing regulations, See **Licensing**
Purpose of laws, 67-1-102
Regional airport authorities, See **AIRPORTS AND LANDING FIELDS**, **Airport authorities**
Repair shops, licensing, See **Licensing**
Revenue for administering laws, 67-1-301, 67-1-302
Sovereignty in space, 67-1-202, 67-1-203
Space, sovereignty and ownership, 67-1-202, 67-1-203
State airports, See **AIRPORTS AND LANDING FIELDS**
Supervision of, 67-2-101
Taxation on aircraft, See **TAXATION**
Uniform State Law
  citation, 67-1-201
  interpretation, 67-1-206
  violation and penalty, 67-1-205
Violations
  air carriers
    failure to procure liability insurance, 67-3-405, 67-3-426
    federal regulations, 67-3-424
  aircraft registration, 67-3-202
  drug violations, forfeiture of aircraft, 44-12-102
  generally, 67-1-105
  uniform state law, 67-1-205

AERONAUTICS, BOARD OF

  See **AERONAUTICS**

AFFIDAVITS

  See also **OATHS**

Accountants
  certified public, applications for registration
    corporation, of, 37-50-332
    partnership, of, 37-50-331
  public, applications for registration
    corporation, of, 37-50-334
    partnership, of, 37-50-333
Actions in forma pauperis, 25-10-404, 25-34-208, 25-35-608; Title 25, chapter 21, M.R.App.Civ.P., Rule 18 and Appendix, Form 2
Administrative proceedings, contested cases — disqualification of hearing examiners, 2-4-611
Adoption, parental placement — fees and expenses, 40-8-109
Air quality
  noncompliance penalty exemption decisions, grounds for hearings regarding, 75-2-421
  permit applications, grounds for hearing on adverse decisions, 75-2-211

AFFIDAVITS (Continued)

Appeals
    civil, in forma pauperis, Title 25, chapter 21, M.R.App.Civ.P., Rule 18 and Appendix, Form 2
    criminal, motions supported by, 46-20-501
Arrest, prejudgment — for, See **ARREST, Prejudgment arrest**
Assignment for benefit of creditors
    good faith, 31-2-210
    inventory, 31-2-214
Assumed business name, voluntary cancellation, 30-13-213
Attachment proceedings, for, See **ATTACHMENT OF PROPERTY**
Auctioneers, assistant, 30-11-512
Bail, justification, 46-9-404
Banks and trust companies
    liquidation
        claim against state, affidavit of identity and amount due claimant, 32-1-537
        claim priority, affidavit of service of notice assigning, 32-1-532
    name or place of business, change in — verification of certificate of proceedings, 32-1-355
Birth date, for judicial determination, 27-32-203
Bonds, official — sureties for
    insufficiency, 2-9-513
    performance, compelling — defendant's interest in real estate, 2-9-528
    qualifications, justification, 2-9-507
Bounty claim requirements, 81-7-111, 81-7-204
Building and loan associations
    certificate of stock, affidavit required for transfer when, 32-2-212
    federal savings and loan association, conversion to — verification of minutes of meeting resolving, 32-2-441
Business trusts, verification of assumed name, 35-5-201
Certiorari, for writ of, 27-25-201
Change of venue
    criminal proceedings, 46-13-203, 46-17-103
    justice's court, 25-31-301, 25-31-302, 46-17-103
Child abuse, petition for temporary investigative authority and protection, 41-3-402
Child custody, requirements for modification of decree or orders, 40-4-213, 40-4-219, 40-4-220
Child support
    liability, hearings for — affidavit filed when, 40-5-224
    reciprocal enforcement, obligee to file affidavit when, 40-5-112
    temporary, 40-4-106
Chiropractors, Board of — power to take, 37-12-201
Claim and delivery, for, See **CLAIM AND DELIVERY**
Clerk of the court
    certification by, 26-1-1006
    taken by, 26-1-1003, 26-1-1004
Condemnation commissioners, of, 70-30-207
Contempt, affidavit of facts presented to court when, 3-1-512
Copies, 25-10-402
Corporations
    assessments, notice of delinquency sale, 35-1-604
    business trusts, verification of assumed name, 35-5-201
    religious corporations, verification of
        articles of amendment, 35-3-206
        articles of incorporation, 35-3-202
        successor of presiding authority, 35-3-207
County clerk and recorder, taken by, 26-1-1003
County superintendent of schools, controversy hearings, 20-3-211
Criminal actions
    appeals, motions supported by, 46-20-501
    assigned counsel, to support financial eligibility for, 46-8-111, 46-8-112
    bail, justification, 46-9-404
    change of venue, motion supported by, 46-13-203, 46-17-103
    charge, to support amendment, 46-11-403
    continuance, motion supported by, 46-13-202

AFFIDAVITS (Continued)

Criminal actions (Continued)
  executive clemency, proof of publication of order, 46-23-304, 46-23-306
  extradition, for, 46-30-211, 46-30-227, 46-30-401
  habeas corpus, to support nonappearance of defendant, 46-22-302
  information
    amendment, to support, 46-11-403
    application supported by, 46-11-201
  investigative subpoena on affidavit of attorney general or county attorney, 46-4-301
  jury, motion to discharge supported by, 46-16-302
  parolees and probationers, evidence on violations by, 46-23-1105
  postconviction proceedings
    evidence, 46-21-201
    petition, to support, 46-21-104
  witnesses, to support court order for action in forma pauperis, 46-15-103
Cropland spraying programs, landowner protests regarding inclusion, 80-7-504
Defect, 25-4-112
Defined, 26-1-1001
Dental hygienists, license application requirements, 37-4-402
Dentists, license applications
  false statements, 37-4-326
  requirements, 37-4-301
Drivers' licenses, chauffeurs — proof of non-possession of operator's license, 61-5-102
Elections
  ballot issues, certification of petition, 13-27-302, 13-27-304
    falsification, 13-27-106
  challenge of elector by, 13-2-403, 13-2-404
  contests, petitions verified by, 13-36-203
  elector unable to sign his name, of identity, 13-13-114
  falsification, 13-27-106, 13-35-207
  indigent candidate, 13-10-203
  presidential candidates, of noncandidacy, 13-10-406
  recount, verification of application, 13-16-301
  registration of electors, 13-2-202, 13-2-215
    challenge by, 13-2-403, 13-2-404
Electric suppliers, affidavit filed with complaint, 69-5-111
Eminent domain, of condemnation commissioners, 70-30-207
Engineers, charges against — made by, 37-67-331
Evidence
  expected, affidavits when motion to postpone trial, 25-4-501, 25-4-502
  use in, See **EVIDENCE**
Execution
  absconding of judgment debtor, danger, 25-14-102
  availability of property, 25-14-102, 25-14-103
  necessity of earnings, 25-13-614
Executive clemency, proof of publication of order for hearing, 46-23-304, 46-23-306
Extradition, for, 46-30-211, 46-30-227, 46-30-401
Facility siting requirements or rules not being enforced, of facts concerning, 75-20-404
Fictitious name, affidavit of publication as evidence, 35-11-202
Finders, of, 70-5-203
Fire hazards, owner of structure unknown by fire marshal, 50-62-103
Forcible entry and detainer and unlawful detainer, for continuance, 70-27-204
Foreign jurisdiction, before whom taken, 26-1-1004 — 26-1-1006
Fraternal benefit society officers, 33-7-211, 33-7-302
Grazing district appellants, proof of filing and service of notice, 76-16-109
Guides, professional — regarding equipment, 87-4-124
Habeas corpus, to support nonappearance of defendant, 46-22-302
In forma pauperis, 25-10-404, 25-34-208, 25-35-608; Title 25, chapter 21, M.R.App.Civ.P., Rule 18 and Appendix, Form 2
  criminal proceeding, for witnesses, 46-15-103
Injunction, preliminary — for, 26-1-1002, 27-19-303, 27-19-401
Insurance
  adjusters — for lost, stolen, or destroyed licenses, 33-17-1003

AFFIDAVITS (Continued)

Insurance (Continued)
  agents
    licenses — lost, stolen, or destroyed, 33-17-1003
    surplus line, required when, 33-2-302
  solicitors — for lost, stolen, or destroyed licenses, 33-17-1003
Insurers
  domestic stock and mutual, for expenditures when, 33-3-402
  liquidators, authority, 33-2-1365
  service of process, affidavit of compliance to accompany copy, 33-1-613
Interpleader by substitution, for, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
Investment companies, See **Banks and trust companies**
Itinerant merchants, exemptions, 80-3-702
Joint debtors, affidavit that judgment unsatisfied when summoning, 25-15-103
Judges and justices
  decision, upon failure to give, 3-2-104, 3-5-212
  disqualification, 3-1-802
  power to take and certify, 3-1-404, 3-1-405, 26-1-1003 — 26-1-1006
Judgment
  default, affidavit of amount due, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  joint debtor, affidavit that judgment unsatisfied when summoning, 25-15-103
  relief from, justice's court, 25-31-915
  summary, for, See **JUDGMENTS AND DECREES**
Jurors
  criminal proceedings, motion to discharge, 46-16-302
  excuse from duty, claim for, 3-15-313
  misconduct, proof of, 25-11-102
  verdict or indictment, affidavit upon inquiry into, Title 26, chapter 10, M.R.Ev., Rule 606
Justices' courts
  change of venue, 25-31-301, 25-31-302
  postponement of trial for new evidence, 25-31-706
  relief from judgment, 25-31-915
Landscape architects, substantiation of violations, 37-66-323
Land surveyors, charges against — made by, 37-67-331
Liens
  crop dusting, 71-3-902
  farm laborers, 71-3-402
  loggers, 71-3-605
  mechanics, 71-3-511, 71-3-512
  oil and gas wells and pipelines, laborers and materialmen, 71-3-1004
Livestock
  department employees, taken by — when, 81-2-102
  diseased, slaughter
    determination of ownership and county, 81-2-201
    indemnity claims, 81-2-204
  inspectors and detectives, for arrest of persons, 81-1-202
Malpractice review panel, for disqualification of member, 27-6-404
Mandamus, for writ of, 27-26-201
Marten skins, number of and procurement information — requirements, 87-3-502
Massachusetts trusts, verification of assumed name, 35-5-201
Mausoleum-columbarium plots, verification of death of
  joint tenant, 35-21-431
  owner, 35-21-423
Medical malpractice review panel, for disqualification of member, 27-6-404
Military officers, execution by, 1-5-105
Mines and mining
  leases, expiration, 82-1-202
  location of claim
    certificate, affidavit when verification by agent, 82-2-102
    working, affidavit when verification by agent, 82-2-103
  strip and underground mining, affidavit that public officer not enforcing, 82-4-142, 82-4-252
Minors, See **Child abuse**; **Child custody**; **Child support**
Motions, in support of, 26-1-1002; Title 25, chapter 20, M.R.Civ.P., Rules 6(d), 43(e)

AFFIDAVITS (Continued)

- **Motor carriers**, for temporary operating authority, 69-12-207
- **Motor vehicles**
  - certificate of ownership
    - loss, concerning, 61-3-342
    - transfer to decedent's survivor, 61-3-201
  - financial responsibility, return of money or securities as proof of — applicant's affidavit regarding, 61-6-142
  - registration, required when, 61-3-304
- **New trial**, motions made upon, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(c)
- **Notaries public**, taken by, 1-5-416, 26-1-1003, 26-1-1004
- **Notice not required**, 26-1-1001
- **Official bonds**, See **Bonds, official**
- **Optometrists, Board of** — officers may take, 37-10-201
- **Optometry**, applicants for examination to practice — affidavit concerning previous practice, 37-10-302
- **Parent-child legal relationship termination petitioners**, 41-3-608
- **Parolees and probationers**, evidence on violations by, 46-23-1105
- **Partition**, See **PARTITION**
- **Persons before whom taken**
  - clerk of the court, 26-1-1003, 26-1-1004
  - county clerk and recorder, 26-1-1003
  - judges and justices, 3-1-404, 3-1-405, 26-1-1003 — 26-1-1006
  - notaries, 1-5-416, 26-1-1003, 26-1-1004
- **Physicians**
  - license applications, to establish qualifications, 37-3-309
  - practicing without license, complaint charged in affidavit, 37-3-326
- **Pleadings**, verification, 25-4-203, 26-1-1002
- **Postconviction proceedings**, See **Criminal actions**
- **Pregnancy**, proof of religious belief for waiver of serological test requirements, 50-19-109
- **Printers**, 26-1-1011, 26-1-1012
  - certification of rates charged to state, 18-7-204, 18-7-205
  - executive clemency, order for hearing, 46-23-304, 46-23-306
  - quiet title, not required when, 70-28-208
- **Prohibition**, for writ of, 27-27-102
- **Property**, true value of personal property, 25-4-303
- **Proprietary postsecondary educational institutions**
  - agents
    - exemption, affidavit of, 20-30-201
    - permit applications, affidavit requirements, 20-30-302
  - exemption, affidavit of, 20-30-201
  - name, affidavit concerning, 20-30-202
- **Publication**, of, See **Printers**
- **Public officers**, warrants and other claims
  - auditing officers, requirements, 2-2-205
  - settlements withheld when, 2-2-207
- **Public participation in government**, proof of publication of notices, 2-3-107
- **Quiet title actions**, with complaint, 70-28-206
- **Railroads**
  - livestock killed or injured by, concerning, 69-14-708
  - sidetracks, spurs, or stock facilities — concerning nonuse, 69-14-813
- **Real estate brokers or salesmen**, for duplicate licenses or pocket cards, 37-51-311
- **Recall circulation sheets or petition sections**, form, 2-16-612, 2-16-619
- **Redemption**, for, 25-13-807
- **Referees**, on objection to, 25-7-703
- **Remedy**, provisional — to obtain, 26-1-1002
- **Replevin**, for, See **CLAIM AND DELIVERY**
- **Sanitarians**, charges against, 37-40-311
- **Savings and loan associations**, See **Building and loan associations**
- **Savings banks**, See **Banks and trust companies**
- **School bond issue petitions**, authenticity of signatures, 20-9-423
- **School transportation contracts, individual** — proof of child's residence, 20-10-124
- **Security interest**, execution on property subject to — affidavit of amount due, 25-13-506

AFFIDAVITS (Continued)

Service of papers not process, proof of service, 26-1-1002; Title 25, chapter 20, M.R.Civ.P., Rule 5(f)
Service of process
    elisor, for execution by, 25-3-206
    generally, 26-1-1002; Title 25, chapter 20, M.R.Civ.P., Rule 4D
Small claims courts, in, See **SMALL CLAIMS COURT — DISTRICT COURT**
State lands
    certificates of purchase, application for substitute, 77-2-335
    coal mining permit applications, to verify use of coal, 77-3-321
    easement applications, verification, 77-2-102
    nonmetallic mineral lessees' reports, verification, 77-3-205
Stay of proceedings, to obtain, 26-1-1002
Subdivisions out-of-state, in-state sales — plaintiff's affidavit of compliance, 76-4-1251
Submission of controversy without action, for submission, 27-7-101
Summary judgment, for, See **JUDGMENTS AND DECREES**
Superintendent of public instruction, required by — when, 20-3-107
Sureties, requirements, 33-26-102
Taxation
    assessment
        duplicate, when, 15-16-105
        property subject to, 15-8-302
    assessment book, affidavits of
        county clerk and recorder, 15-10-306
        revenue, department of — agent, 15-10-305
    classifications, special — application, 15-6-151
    county clerk and recorder, of, 15-10-306
    delinquency, 15-16-305, 15-16-504
    gasoline license tax, for refund on agricultural use when invoice lost or destroyed, 15-70-223
    income tax, return verified by, 15-30-144, 15-30-223
    residence, of, 15-8-304, 15-8-309
    tax sales
        assignment of county rights, lost certificate, 15-17-303
        notice, proof of publication, 15-17-102
        quiet title action, commencement, 15-18-401
        redemption report, verification, 15-18-108
        tax deed application, proof of notice, 15-18-202, 15-18-204
Title, defect, 25-4-112
Trademarks and service marks, 30-13-311
Trailers, semitrailers, or housetrailers — proof of stamping of identification numbers, 61-3-107
Trust companies, See **Banks and trust companies**
Utilities, rural cooperatives
    articles of amendment, compliance, 35-18-204
    articles of consolidation, compliance, 35-18-402
    articles of conversion, compliance, 35-18-206
    articles of dissolution, compliance, 35-18-405
    articles of merger, compliance, 35-18-401
    certificate of election to dissolve, compliance, 35-18-405
    filings, 35-18-501
    modifications, 35-18-304
    name, noncompliance, 35-18-201
Verification, 26-1-1006
Voluntary firefighters' disability benefit claims, requirements, 19-12-502
Warrants, state — stale-dated, reissuance, 17-8-303
Witness
    arrest, upon, 26-2-404
    concealment, proof, 26-2-103
    criminal proceedings, court order for action in forma pauperis, 46-15-103
    examination, for, 26-1-1002
    prisoner as, to obtain, 26-2-202
    refusal to sign, 26-2-104

AFFINITY AND CONSANGUINITY

Child abuse proceedings, who may file, 40-6-233
City judge, disqualification when, 3-1-802, 3-11-203
Condemnation commissioners, disqualification, 70-30-207
County superintendent of schools, disqualification when, 20-3-211
Depositions, disqualification of persons before whom taken, Title 25, chapter 20, M.R.Civ.P., Rule 28(c)
Election judges, disqualification, 13-4-107
Hearsay exceptions, records and reputation, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Incest, See **INCEST**
Judge or justice, disqualification, 3-1-802, 3-7-402
Judicial Standards Commission members, bar to participation when, 3-1-1108
Juries, challenge for cause, 25-7-223, 46-16-304
Marriage
  license, information acquired, 40-1-107
  prohibited marriages, 40-1-401
Nepotism, See **NEPOTISM**
Relationship by, 1-1-219
Water judge or master, disqualification when, 3-1-802, 3-7-402

AFFIRMATIONS

See **OATHS**

AFFIRMATIVE DEFENSES, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)

See also **CIVIL PROCEDURE, Defenses**

AFTERCARE

See specific program or institution

AGAINST ENCUMBRANCES

See **REAL PROPERTY, Covenants running with the land**

AGE

Acupuncturists, qualification for licensure, 37-13-302
Adulthood, age of, 41-1-101, 41-5-103
Alcoholic beverage licensing, 16-4-401
Alcoholic beverages, restrictions on minors, See **ALCOHOLIC BEVERAGES**
Condemnation commissioners, 70-30-207
Cosmetology, qualification to practice or teach, 37-31-304
Defined, 49-2-101
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Drivers' licenses, See **DRIVERS' LICENSES**
Elderly persons, See **AGING AND AGED PERSONS**
Electors, 13-1-111
Electrologists' licenses, qualification for, 37-32-302
Fraternal benefit societies, membership requirements, 33-7-504
Insurance
  adjusters, licensing requirements, 33-17-301
  agents and solicitors, licensing requirements, 33-17-202, 33-17-203
  disability
    handicapped dependents, continuation of coverage, 33-22-304, 33-22-506
    limits, effect on coverage, 33-22-302
    misstatements, effect, 33-22-205, 33-22-223, 33-22-302
  group life, misstatement — effect, 33-20-1206
  life, misstatement — effect, 33-20-107, 33-20-305, 33-20-1206
Insurers, farm mutual — incorporators, requirement, 33-4-201

AGE (Continued)

Judicial determination, See **BIRTH, Date, judicial determination**
Majority, age of, 41-1-101
Marriage requirements, See **MARRIAGE**, generally
Minority, calculation, 41-1-102
Minors
  alcoholic beverage restrictions, See **ALCOHOLIC BEVERAGES**
  defined, 41-1-101
  employment restrictions, See **MINORS, Employment**
  "majority" defined, 41-1-101
  misrepresentation of age unlawful, 16-3-301, 16-6-305, 16-6-314
  records of those under age 16, 41-2-112
Optometry, examination to practice — requirement, 37-10-302
Physical therapists, qualification for licensure, 37-11-303
Private investigators and patrol operators, qualification for licensing, 37-60-304
Psychologists, qualification for licensure, 37-17-302
Public office, requirement for holding, 2-16-102
Radiologic technologists, qualification for licensure, 37-14-302
Real estate broker's or salesman's license, qualification for, 37-51-302
Schools
  admittance, for, 20-5-101
  safety patrols, 20-1-408
Senior citizens, See **AGING AND AGED PERSONS**
Snowmobile operation, effect, 23-2-632
Teacher qualifications, 20-4-104, 20-4-203
Voting age, 13-1-111

AGED, MONTANA CENTER FOR

  See **AGING AND AGED PERSONS, Center for the Aged**

AGENCIES

  See **EXECUTIVE BRANCH**; **STATE AGENCIES**; specific agency

AGENCY

"Actual agency" defined, 28-10-103
Agricultural marketing associations, 35-17-106
  members of, 35-17-301
Agricultural seed processing plants, labelers, buyers, and warehouses —
    nonresident licensees, agent for, 80-5-202
Airport funding, department of commerce as agent for
  airport authorities, 67-11-305
  municipality, 67-2-403, 67-10-405
Applicability of laws
  bills of lading, 30-7-502
  contract law, 28-2-201, 28-10-104, 28-10-203, 28-10-215, 28-10-704, 28-10-802
  documents of title, 30-7-502
  fraudulent conveyance, 31-2-324
  landlord-tenant relationships, 70-24-105, 70-24-301
  partnerships, 35-10-104
  sales law, 28-10-301, 28-10-404
  trustee law, 28-10-407
  warehouse receipts, 30-7-502
Appointment, who may appoint, 28-10-104
Arrest of agent for misconduct, 27-16-102
Attorney's fees for representation, 25-10-301
Auctioneers, See **AUCTIONS AND AUCTIONEERS**
Authority of agent
  actual
    defined, 28-10-402
    exceeding, prohibited, 28-10-301

AGENCY (Continued)

Authority of agent (Continued)
  defraud principal, no authority, 28-10-409
  disobedience to instructions, when permissible, 28-10-408
  exceeding, 28-10-301
    liability of principal, 28-10-605
  general
    precedence, 28-10-406
    price, authority to receive, 28-10-423
    statutory exceptions, 28-10-407
  implied powers, 28-10-405
  incomplete execution, 28-10-607
  ostensible authority
    binding when, 28-10-606
    defined, 28-10-403
    warranty, 28-10-701
  price, authority to receive, 28-10-423
  property sales, 28-10-421, 28-10-422
  restriction, when and by whom, 28-10-404
  scope, 28-10-105, 28-10-301, 28-10-401, 28-10-405, 28-10-407, 28-10-601
  special agent, authority to receive price, 28-10-423
  specific, precedence, 28-10-406
  warranty, 28-10-421, 28-10-422, 28-10-701
Bank agents, See **BANKS AND TRUST COMPANIES, Liquidation**, liquidating agent; **Officers and employees**
Bank as agent, 30-4-201
Bills of lading, applicability of laws, 30-7-502
Building and loan association agents, See **BUILDING AND LOAN ASSOCIATIONS, Agents; Officers and employees**
Building code violations, service of order to remedy, 50-60-106
Clerk of the district court as agent for sureties, Title 25, chapter 21, M.R.App.Civ.P., Rule 8
Commerce, Department of — as agent for airport funding
  airport authorities, for, 67-11-305
  municipality, for, 67-2-403, 67-10-405
Commercial paper
  collection by, 28-10-303
  liability, 30-3-419
  notice of dishonor, 30-3-508
  payable to, 30-3-117
  signature, 30-3-403
Condemnation commissioners, principal-agent relationship grounds for disqualification, 70-30-207
Consideration unnecessary, 28-10-202
Contract, effect of delivery to, 28-2-906
Contract law, applicability, 28-2-201, 28-10-104, 28-10-203, 28-10-215, 28-10-704, 28-10-802, See also **CONTRACTS**
Corporations
  nonprofit corporations, registered agent, See **NONPROFIT CORPORATIONS, Agent, registered**
  registered agent, See **CORPORATIONS, Agent, registered**
Creation
  consideration unnecessary, 28-10-202
  oral authorization, 28-10-203
  precedent authorization, 28-10-201
  subsequent ratification, 28-10-201, See **Ratification**
  written authorization, 28-2-903, 28-10-203
Credit to agent, principal's liability, 28-10-609, 28-10-702
Credit unions, See generally **CREDIT UNIONS, Liquidation; Officers and employees**
Criminal records, authorization to obtain, 44-5-214
Custom and usage, delegation to subagent, 28-10-501
Death of agent, 28-10-801, 28-10-802

AGENCY (Continued)

Definitions
  actual agency, 28-10-103
  actual authority, 28-10-402
  agency, 28-10-101
  agent, 28-10-101
  general agent, 28-10-102
  ostensible authority, 28-10-403
  ostensible agency, 28-10-103
  principal, 28-10-101
  special agent, 28-10-102
Delegation of power, See **Subagents**
Disobedience to instructions of principal, 28-10-408
Documents of title, applicability of laws, 30-7-502
Drug registration requirements, exemption, 50-32-302
Eminent domain, principal-agent relationship as disqualifier for condemnation commissioners, 70-30-207
Evidence
  collecting bank as agent, presumption, 30-4-201
  hearsay exceptions, statements by agent, Title 26, chapter 10, M.R.Ev., Rule 801
  insurance agreements as evidence of agency, Title 26, chapter 10, M.R.Ev., Rule 411
Factors, See **SALES**
Fraudulent conveyance, applicability of laws, 31-2-324
Fraud upon principal, 28-10-409
"General agents" defined, 28-10-102, See also **Authority of agent**
Grain merchandisers, nonresident — agent for, 80-4-204
Grazing districts, 76-16-311
  members, agents as, 76-16-302
Hearsay exceptions, statement by agent, Title 26, chapter 10, M.R.Ev., Rule 801
Housing, Board of — as agent, 90-6-104
Incapacity of agent, 28-10-801, 28-10-802
Indemnification when principal indemnified, 28-11-304
Instructions, disobedience by agent, 28-10-408
Insurance agreement as evidence of, Title 26, chapter 10, M.R.Ev., Rule 411
Investment securities, sale and purchase, See **SECURITIES AND SECURITIES REGULATION**
Jurors, principal-agent relationship grounds for challenge, 25-7-223
Knowledge of agency, right when without, 28-10-608
Landlord-tenant relationships, applicability of laws, 70-24-105, 70-24-301
Liability of agent, unfair trade practices, 30-14-203
Limited partnerships, See **LIMITED PARTNERSHIPS**
Lobbyists as agents, See **LOBBYING AND LOBBYISTS**, generally
Mining claim, notice of defect, 82-2-112
Minors may not appoint, 28-10-104, 28-10-704, 41-1-301
Misconduct of agent, arrest, 27-16-102
Motor carriers, for, 69-12-108
Motor vehicle operation by, 25-3-603
Negotiable instruments payable to, See **Commercial paper**
Nonprofit corporations, registered agent, See **NONPROFIT CORPORATIONS, Agent, registered**
Notaries public, authority as, 1-5-417
Notice
  mining claim, defect, 82-2-112
  principal or agent, when notice to one is notice to other, 28-10-604
  restriction of authority, 28-10-404
  termination of agency, 28-10-801, 28-10-802
Oral authorization, 28-10-203
"Ostensible agency" defined, 28-10-103, See also **Authority of agent**
Partnerships, See **LIMITED PARTNERSHIPS; PARTNERSHIPS**
Pesticide licensees, nonresident — agent for, 80-8-210
Pleadings, verification by, 25-4-203
Postsecondary educational institutions, representation, See **POSTSECONDARY EDUCATIONAL INSTITUTIONS, Agents**

AGENCY (Continued)

Powers of agent, See **Authority of agent**
Price, authority to receive, 28-10-423
Principal
  accrual of rights and liabilities to, 28-10-601
  agent as, 28-10-502, 28-10-702
  defined, 28-10-101
  defrauding, agent has no authority, 28-10-409
  informed, agent's duty to keep, 28-10-302
  instrument, bound by, 28-10-603
  jurisdiction of person, acquisition through agent, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  liabilities
    accrual to, 28-10-601
    credit to agent, exclusive, 28-10-609
    exceeding authority by agent, 28-10-605
    incomplete execution, 28-10-607
    ostensible authority, acts under, 28-10-606
    wrongs of agent, for, 28-10-602
  notice to, effect, 28-10-604
  subagent, delegation to, 28-10-501 — 28-10-503
Property
  claimed by third person, agent's responsibility, 28-10-703
  sales, extent of authority, 28-10-421, 28-10-422
Purchasing contracts, state — bid opening, 18-4-213
Qualifications of agent, 28-10-104
Ratification
  consent, 28-10-215
  creation of agency by, 28-10-201, 28-10-211
  manner, 28-10-211
  partial, when transaction indivisible, 28-10-212
  rescission, 28-10-215
  third persons not prejudiced by, 28-10-213
  void when, 28-10-214
Real property, See **REAL PROPERTY, Powers of attorney**
Renunciation of agency, 28-10-801
Revocation of agency, 28-10-802
Sales
  person in the position of a seller, 30-2-707
  price, authority to receive, 28-10-423
  property, extent of authority, 28-2-903, 28-10-421, 28-10-423
Savings and loan association agents, See **BUILDING AND LOAN ASSOCIATIONS, Agents; Officers and employees**
Securities, sale and purchase, See **SECURITIES AND SECURITIES REGULATION**
Service of process upon, 25-3-203; Title 25, chapter 20, M.R.Civ.P., Rules 4B, 4D
  "person" defined, Title 25, chapter 20, M.R.Civ.P., Rule 4A
  secretary of state as agent, Title 25, chapter 20, M.R.Civ.P., Rule 4D, See also **SECRETARY OF STATE, Service of process upon**
Special agents, 28-10-102
State as agent, 17-2-102
Subagents
  authorized employment, effect, 28-10-503
  unauthorized employment, effect, 28-10-502
  when permissible, 28-10-501
Taxation
  assessment, designation in, 15-8-502
  income tax return, preparation, 15-30-142
Termination, 28-10-801, 28-10-802
Third persons
  agent responsible to as principal, 28-10-702
  contract laws, applicability, 28-10-704
  principal's liability, See **Principal**
  property received for principal, claim by, 28-10-703
  ratification not to prejudice, 28-10-213

AGENCY (Continued)

Third persons (Continued)
    subagents, responsibility when, 28-10-503
    warranty of authority to, 28-10-701
Trustees, applicability of laws, 28-10-407
University system as agent, 17-2-102
Vehicle operation by, 25-3-603
Warehouse receipts, applicability of laws, 30-7-502
Warranties
    agent's authority, 28-10-701
    breach, damages, 27-1-313
    property sales, 28-10-421, 28-10-422
Witness, when agent called as, Title 25, chapter 20, M.R.Civ.P., Rule 43(b)
Written authorization, 28-2-903, 28-10-203
Wrongful acts of agent, 28-10-602, 28-10-702

AGGRAVATED OFFENSES

    See **CRIMES**

AGING AND AGED PERSONS

Adult Foster Family Care Act, Title 53, chapter 5, part 3, See **FOSTER HOMES, Adults**
Assistance payments, recovery, 53-5-401
Blind persons, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Camping, golden years pass, 23-1-105
Center for the Aged, See also **INSTITUTIONS**, generally
    enumerated as state institution, 53-1-202
    fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
    generally, Title 53, chapter 21, part 4
Community service buildings, tax exemption, 15-6-209
Convalescent hospitals, See **HEALTH CARE FACILITIES; HOSPITALS AND RELATED FACILITIES; NURSING HOMES**
Deer, licenses for hunting, 87-2-801, 87-2-804
Deposition of, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Elk, licenses for hunting, 87-2-801, 87-2-804
Execution of judgment, special exemptions, 25-13-602, 25-13-617
Fishing
    access sites, golden years pass, 23-1-105
    licenses for, 87-2-801, 87-2-804
Foster care, See **FOSTER HOMES, Adults**
Game birds, licenses for hunting, 87-2-801, 87-2-804
Golden Years Pass, 23-1-105
Health insurance, See **INSURANCE — DISABILITY, Extended health insurance for older persons; Medicare supplement insurance**
Home weatherization programs, See **ENERGY, Weatherization programs**
Housing
    convalescent hospitals, See **HEALTH CARE FACILITIES; HOSPITALS AND RELATED FACILITIES; NURSING HOMES**
    development, See **HOUSING, Lower income, development**
    fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
    home weatherization programs, See **ENERGY, Weatherization programs**
    long-term care facilities, See **NURSING HOMES**
    lower income, See **HOUSING, Lower income, development**
    nursing homes, See **NURSING HOMES**
    retirement homes, 50-51-102, See **HOTELS AND LODGING ESTABLISHMENTS**
    roominghouses, 50-51-102, See **HOTELS AND LODGING ESTABLISHMENTS**
    weatherization programs, See **ENERGY, Weatherization programs**
Hunting, licenses for, 87-2-801, 87-2-804

AGING AND AGED PERSONS (Continued)

Institutions, Department of — functions, Title 53, chapter 21, part 4
Insurance, health, See **INSURANCE — DISABILITY, Extended health insurance for older persons; Medicare supplement insurance**
Long-term care facilities, See **NURSING HOMES**
Montana Center for the Aged, See **Center for the Aged**
Montana State Golden Years Pass, 23-1-105
Nursing Home Administrators, Board of — representation on, 2-15-1845
Nursing homes, See **NURSING HOMES**
Problems of aging, study, Title 53, chapter 5, part 1
Protective services, See **PUBLIC ASSISTANCE, Protective services**
Protective Services Act for Aged Persons or Disabled Adults, Title 53, chapter 5, part 2, See **PUBLIC ASSISTANCE, Protective services**
Recreation areas, golden years pass, 23-1-105
Retirement systems, Title 19, See specific system
Social and Rehabilitation Services, Department of — problems of aging, supervision of study, Title 53, chapter 5, part 1
State parks, golden years pass, 23-1-105
Study of aging, See **Problems of aging**
Tax provisions, See **TAXATION**
Transportation, free or reduced rates, 69-11-208
University system tuition, waiver, 20-25-421
Visually handicapped persons, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Weatherization programs, See **ENERGY**
Winterizing programs, See **ENERGY, Weatherization programs**

AGISTERS' LIENS

See **LIENS**

AGREED STATEMENT OF FACTS

See **CIVIL PROCEDURE**

AGREEMENT ON DETAINERS, Title 46, chapter 31

See **CRIMINAL PROCEDURE, Detainers**

AGREEMENTS

See generally **CONTRACTS; OBLIGATIONS**

AGRICULTURAL ASSOCIATIONS

Acknowledgments
    membership application, 35-16-302
    petition for incorporation, 35-16-202
    withdrawal, release, 35-16-303
Annual meetings, See **Meetings**
Applicability of laws, corporation law, 35-16-101, 35-16-204
Assets
    liability, 35-16-303
    lien against, See **Indebtedness**
    order of resort, 35-16-404
    withdrawal by dissenting members, 35-16-211
Board of directors, See **Directors, board of**
Bonds, indebtedness, 35-16-202
Borrowing by, See **Indebtedness**
Bylaws
    adoption, 35-16-205, 35-16-206

AGRICULTURAL ASSOCIATIONS (Continued)

Bylaws (Continued)
  amendment, 35-16-208, 35-16-315
  contents generally, 35-16-207
  directors, provisions regarding, 35-16-312, 35-16-314, 35-16-315
  new, 35-16-208
  recording, 35-16-208
  repeal, 35-16-208
Certificate of incorporation, 35-16-204
Cooperative marketing, See **AGRICULTURAL MARKETING ASSOCIATIONS**
County clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
Court proceedings
  appeal, 35-16-103
  incorporation, petition hearing, 35-16-203, 35-16-204
  indebtedness, petition to create, 35-16-403, 35-16-404
  land description, error, 35-16-102
  names, error, 35-16-102
  orders final, 35-16-103
  withdrawal, petition to court, 35-16-211, 35-16-304
Creation, See **Incorporation**
Definitions, 35-16-301
Delegates
  alternate, 35-16-212
  election, 35-16-212, 35-16-311
  powers, 35-16-212
  qualifications, 35-16-311
  term, 35-16-212
  vote, 35-16-212
Directors, board of
  appointment, 35-16-314
  bylaws, provisions respecting, 35-16-207, 35-16-208
  election, 35-16-212, 35-16-312, 35-16-313
  executive committees, 35-16-314
  first meeting, call, 35-16-205
  general board of directors, 35-16-212
  indebtedness, creation, 35-16-402
  liability, 35-16-303
  locals, designation, 35-16-212
  number, 35-16-202, 35-16-315
  petition for incorporation, statement in, 35-16-202
  powers generally, 35-16-315
  preexisting associations, resolution to reorganize, 35-16-210
  qualifications, 35-16-202, 35-16-314
  quorum, 35-16-314
  vacancies, 35-16-314
  withdrawal petition to, 35-16-303, 35-16-304
District court, See **Court proceedings**
Duration, 35-16-202
Encumbrance of property, See **Indebtedness**
Existence, 35-16-202
Filing
  evidence of indebtedness, 35-16-405
  incorporation, petition for, 35-16-202, 35-16-204
    bond, 35-16-202
    preexisting associations, 35-16-210
  membership application, 35-16-302
  withdrawal order, 35-16-304
First meeting, See **Meetings**
Formation, See **Incorporation**
Incorporation
  bylaws, See **Bylaws**
  certificate of incorporation, 35-16-204
  first meeting, 35-16-205, 35-16-206

AGRICULTURAL ASSOCIATIONS (Continued)

Incorporation (Continued)
    incorporators, 35-16-201, 35-16-202
    petition for
        contents, 35-16-202
        filing, 35-16-204, 35-16-401
        hearing, 35-16-203, 35-16-204
        preexisting associations, 35-16-210
        required, 35-16-202
    preexisting associations, 35-16-210
    purposes, 35-16-201
Incorporators, 35-16-201, 35-16-202
Indebtedness
    bond against, 35-16-202
    default, 35-16-406
    execution of evidence of indebtedness, 35-16-405
    foreclosure, 35-16-404, 35-16-406
    hearing, 35-16-404
    lien created by, 35-16-401, 35-16-402, 35-16-404, 35-16-405
    notice, 35-16-404
    order of court, 35-16-404, 35-16-405
    order of resort among assets, 35-16-404
    petition to court, 35-16-403
    recording of evidence of indebtedness, 35-16-405
    resolution to create, 35-16-402
    tax levy, 35-16-406
Lands, See **Membership lands**
Locals, 35-16-212
Marketing associations, See **AGRICULTURAL MARKETING ASSOCIATIONS**
Meetings
    annual, 35-16-312
    bylaws — adoption, amendment, or repeal, 35-16-205, 35-16-206, 35-16-208
    calling, 35-16-207
    first meeting, 35-16-205, 35-16-206
    members, admission, 35-16-302
    place, 35-16-207
    time, 35-16-207
    voting
        bylaws, provisions in, 35-16-207
        elections, 35-16-313
        manner, 35-16-207, 35-16-311
        proxy, 35-16-207, 35-16-311
Members
    defined, 35-16-301
    directors to be, 35-16-314
    meetings, See **Meetings**
    number, 35-16-207
    preexisting associations, 35-16-210, 35-16-211
    privileges, 35-16-302
    procedure to become, 35-16-302, 35-16-401
    withdrawal
        court order, 35-16-304
        petition and procedure, 35-16-303
Membership lands
    bylaws, provisions regarding, 35-16-207
    defined, 35-16-301
    description
        errors, 35-16-102
        membership application, 35-16-302
    encumbrance, See **Indebtedness**
    incorporation, statement in petition, 35-16-202
    lien upon, See **Indebtedness**
    map, 35-16-303

AGRICULTURAL ASSOCIATIONS (Continued)

Membership lands (Continued)
  release, 35-16-303, 35-16-304
  reorganization not including lands, 35-16-210
  title, 35-16-302, 35-16-303
  withdrawal, See **Members**
Multiple enterprises, 35-16-212
Name, 35-16-202, 35-16-404
Notices
  first meeting, 35-16-205
  incorporation, hearing on petition, 35-16-203
  indebtedness, creation, 35-16-402, 35-16-404
  preexisting association, reorganization, 35-16-210
    dissent, 35-16-211
Officers, 35-16-207, 35-16-212, 35-16-405
Offices, 35-16-202, 35-16-404
Organization, See **Incorporation**
Petitioners, See **Incorporation**
Petition of incorporation, See **Incorporation**
Preexisting associations, reorganization, 35-16-210
  dissent, 35-16-211
Property, See **Membership lands**
Purposes, 35-16-201, 35-16-202
  subdivision, 35-16-209
Seal, 35-16-205
Secretary of state, duties, See **SECRETARY OF STATE**
Special meetings, See **Meetings**
Stock, 35-16-202, 35-16-205
Stockholders, See **Members**
Subdivisions, 35-16-207, 35-16-209, 35-16-311
Surety bonds, indebtedness, 35-16-202
Taxation, See **TAXATION**
Trustees, See **Directors, board of**

AGRICULTURAL EXPERIMENT STATION

  See **MONTANA STATE UNIVERSITY**

AGRICULTURAL MARKETING ASSOCIATIONS

Acknowledgments
  articles of amendment, 35-17-203
  articles of incorporation, 35-17-202
  merger or consolidation documents, 35-17-504
Agreements, See **Marketing agreements**
Annual meetings, See **Meetings**
Applicability of laws
  corporation law, 35-17-202
  merger or consolidation, 35-17-501
Articles of incorporation
  amendment, 35-17-203, 35-17-205, 35-17-504
  contents, 35-17-202
  evidence, as, 35-17-202
  execution, 35-17-202
  fees, 35-17-205
  filing, 35-17-202, 35-17-204, 35-17-205
  merger or consolidation, effect, 35-17-504
  preexisting associations, 35-17-204
  required, 35-17-202
Assets, sale, 35-17-506, 35-17-507
Board of directors, See **Directors, board of**
Bylaws
  adoption, 35-17-206

AGRICULTURAL MARKETING ASSOCIATIONS (Continued)

Bylaws (Continued)
  amendment, 35-17-206, 35-17-504
  contents generally, 35-17-206
  directors, provisions respecting, 35-17-311, 35-17-313
  investments, provisions respecting, 35-17-106
  meetings, provisions respecting, 35-17-305
  members, admission requirements, 35-17-301
  merger or consolidation, effect, 35-17-505
  stock transfer restrictions, 35-17-302
Capital reserve, 35-17-315
Certificate of amendment, 35-17-203, 35-17-205
Certificate of incorporation, 35-17-205
Citation of Cooperative Marketing Act, 35-17-101
Consolidation, See **Merger or consolidation**
Contracts, See **Marketing agreements**
Cooperative Marketing Act, Title 35, chapter 17, See this category generally
County clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
Creation, See **Incorporation**
Definitions, 35-17-103
Directors, board of
  articles of incorporation, statement in, 35-17-202
  authority, 35-17-311
  bylaws, provisions in, 35-17-206
  compensation, 35-17-206, 35-17-311
  election, 35-17-206, 35-17-311
  finances, authority, 35-17-312, 35-17-315
  merger or consolidation, preparation of plan, 35-17-502
  number, 35-17-202, 35-17-311
  preexisting associations, statement of reorganization, 35-17-204
  qualifications, 35-17-206
  quorum, 35-17-206
  referendum, 35-17-314
  removal, 35-17-313
  special meetings, calling, 35-17-305
  term, 35-17-206
  territorial representation, 35-17-311
  vacancy, 35-17-311
  withdrawal or expulsion of member, appraisal of interest, 35-17-206, 35-17-304
Distributions, 35-17-315
Duration, See **Existence**
Earnings, 35-17-315
Evidence, corporate documents, 35-17-202
Existence
  articles of incorporation, statement in, 35-17-202
  merger or consolidation, effect, 35-17-505
  perpetual, 35-17-202
Feasibility study, 35-17-201
Fees
  filing, enumerated, 35-17-205, 35-17-409
  marketing agreements, 35-17-409
  membership, 35-17-206
  preexisting associations, filing articles of incorporation, 35-17-204
Filing
  articles of incorporation, 35-17-202, 35-17-204
    amendment, statement, 35-17-203, 35-17-204
  certificate of amendment, 35-17-203
  marketing agreements, 35-17-403 — 35-17-407, 35-17-409
  merger or consolidation, documents, 35-17-504
  preexisting associations, articles of incorporation, 35-17-204
  removal of officer or director, charges, 35-17-313
Formation, See **Incorporation**

AGRICULTURAL MARKETING ASSOCIATIONS (Continued)

Incorporation
  articles of incorporation, See **Articles of incorporation**
  bylaws, See **Bylaws**
  feasibility study, 35-17-201
  incorporators, 35-17-104
  purposes, 35-17-105
  survey, 35-17-201
Injunctions, 35-17-401
Liability of members, 35-17-303
Loans, 35-17-106, 35-17-408
Marketing agreements
  assignment, 35-17-408
  breach, 35-17-401
  bylaws, provisions in, 35-17-206
  contents, 35-17-401
  damages, 35-17-401
  execution, 35-17-404
  fees, 35-17-409
  filing, 35-17-403 — 35-17-407, 35-17-409
  indexing, 35-17-409
  lien does not arise, 35-17-407
  monopoly provisions, exempt, 35-17-402
  notice, 35-17-406
  other associations, with, 35-17-410
  permissible, 35-17-401
  security, as, 35-17-408
  signature, 35-17-404
  terms, 35-17-401, 35-17-407
  title, transfer by, 35-17-407
Meetings
  bylaws, provisions in, 35-17-206
  calling, 35-17-305
  directors, vacancy, 35-17-311
  frequency, 35-17-305
  merger or consolidation, 35-17-503
  notice, 35-17-305
  referendum to members, 35-17-314
  removal of officer or director, 35-17-313
  special, 35-17-305
  voting, 35-17-206, 35-17-302, 35-17-305
Members
  admission of new members, 35-17-202
  association as, 35-17-301
  certificate of membership, 35-17-302
  defined, 35-17-103
  directors, removal, 35-17-313
  expulsion, 35-17-206, 35-17-304
  fees, 35-17-206
  liability, 35-17-303
  meetings, See **Meetings**
  merger or consolidation, committee to prepare plan, 35-17-502
  new, 35-17-202
  nonmembers, status, 35-17-106
  number, 35-17-206
  officers, removal, 35-17-313
  preexisting associations, 35-17-204
  qualifications, 35-17-206, 35-17-301
  quorum, 35-17-206
  referendum to, 35-17-314
  removal of officers or directors, 35-17-313
  representation, 35-17-106, 35-17-301

AGRICULTURAL MARKETING ASSOCIATIONS (Continued)

Members (Continued)
  stock, See **Stock**
  withdrawal, 35-17-206, 35-17-304
Merger or consolidation
  authorized, 35-17-501
  creditors' rights, 35-17-505
  effect, 35-17-504, 35-17-505
  effective date, 35-17-504
  filing of documents, 35-17-504
  meeting to consider, 35-17-503
  notice, 35-17-503
  plan, 35-17-502
  statute of limitations, 35-17-507
  title to property, 35-17-505
Net earnings, 35-17-315
Officers
  amendments to articles of incorporation, execution, 35-17-203
  bank as treasurer, 35-17-312
  bylaws, statements in, 35-17-206
  election, 35-17-206, 35-17-312
  marketing agreements, signature, 35-17-404
  merger or consolidation, execution of documents, 35-17-504
  removal, 35-17-313
  treasurer, bank as, 35-17-312
Organization, See **Incorporation**
Perpetual existence, 35-17-202
Powers generally, 35-17-106
Preexisting associations, 35-17-204
Profits, 35-17-315
Property rights, 35-17-106, 35-17-202
Purpose of association, 35-17-105, 35-17-106, 35-17-202
Purpose of provisions, 35-17-102
Reserves, 35-17-315
Sales
  agreements, See **Marketing agreements**
  assets, 35-17-506, 35-17-507
  corporate power, 35-17-106
Seal, 35-17-404, 35-17-408
Secretary of state, duties, See **SECRETARY OF STATE**
Shareholders, See **Members**
Shares, See **Stock**
Short title, 35-17-101
Special meetings, See **Meetings**
Stock
  assignment, 35-17-206
  bylaws, statements in, 35-17-206
  issue requirements, 35-17-301, 35-17-302
  liability of member based on, 35-17-303
  limitations on ownership, 35-17-301, 35-17-302
  payment, 35-17-302
  promissory notes for, 35-17-302, 35-17-303
  purchase of own stock by association, 35-17-302
  transfer, 35-17-206, 35-17-302
Stockholders, See **Members**
Trustees, See **Directors, board of**
Voting, See **Meetings**

AGRICULTURAL SEEDS

Administration of provisions, 80-5-112

AGRICULTURAL SEEDS (Continued)

Agriculture, Department of
    fees
        inspection, 80-7-702
        testing, 80-5-110
    funds, deposit, 80-5-208
    injunction applied for, when, 80-5-207
    inspections and tests, 80-5-108, 80-7-702
    licenses, duties regarding, 80-5-202, 80-5-203, 80-5-207
    nonresident licensees, copy of designation of agent for, 80-5-202
    noxious weed seeds
        classification, approval for revision, 80-5-106
        embargo against, introduction, 80-7-701
            rules for enforcement, 80-7-702
    rules, adoption and enforcement, 80-5-112, 80-5-205 — 80-5-207, 80-7-702
    samples taken by, 80-5-108
    screenings, rules for, 80-5-204
    "stop sale" orders, 80-5-112
    violations reported to, 80-5-108
Alfalfa Seed Committee, See **ALFALFA SEED, Committee**
Apiaries, pollination, See **APIARIES**
Buyers, See **Licenses**
Certification
    agencies for, 80-5-302
    application of provisions, 80-5-301
    rules for, 80-5-302
    self-supporting basis, work to be on, 80-5-303
    unlawful use, penalty, 80-5-305
    withholding when, 80-5-304
Containers, 80-5-103, 80-5-105
Dealers, See **Licenses**
Definitions, 80-5-101, 80-5-201
Disease control, See **HORTICULTURE, Disease control for fruits and vegetables**
Enforcement of provisions, 80-5-112, 80-5-207, 80-7-702
Execution, exemption, 25-13-612
Exemptions from provisions, 80-5-107
Flower seeds
    defined, 80-5-101
    labeling, 80-5-104
    prohibitions, 80-5-105
Food, Drug, and Cosmetic Act — exclusion, 50-31-103
Grain and seed laboratory, See **MONTANA STATE UNIVERSITY, Grain and seed laboratory**
Grass seed, 80-5-105
Inspections, 80-5-108, 80-7-702
Labelers
    exchange of seed between, 80-5-103
    licensing, See **Licenses**
Labeling
    agricultural seeds, 80-5-102
    containers, 80-5-103, 80-5-105
    flower seeds, 80-5-104
    generally, 80-5-105
    mislabeling, 80-5-205
    vegetable seeds, 80-5-104
Laboratory, grain and seed, See **MONTANA STATE UNIVERSITY, Grain and seed laboratory**
Lawn seed, 80-5-105
Licenses
    bonding requirements, 80-5-202
    cancellation when, 80-5-202, 80-5-203, 80-5-207
    dealers, 80-5-203
    exemptions, 80-5-202, 80-5-203

AGRICULTURAL SEEDS (Continued)

Licenses (Continued)
  failure or refusal to obtain, 80-5-205
  fees, 80-5-202, 80-5-203
  insurance requirements, 80-5-202
  nonresidents, 80-5-202
  processing plants, labelers, buyers, and warehouses — general provisions, 80-5-202
Liens upon, See **LIENS, Seed and grain, crop liens for**
Misbranding or mislabeling, 80-5-205
Montana State University, certification responsibilities, 80-5-301 — 80-5-304
Mustard, See **MUSTARD SEED**
Noxious weed seeds, See also **Weed seeds**
  classification, revision, 80-5-106
  content in seed for sale, restrictions, 80-5-105
  defined, 80-5-101
  embargo, interstate
    enforcement, rules for, 80-7-702
    fines and fees, disposition, 80-7-704
    proclamation, 80-7-701
    violations and penalty, 80-7-703
  restrictions on content in seed for sale, 80-5-105
  screenings, restrictions, 80-5-204
Pollination apiaries, See **APIARIES**
Processing plants
  licensing, See **Licenses**
  screenings, restrictions, 80-5-204
Prohibitions, 80-5-105
Public agricultural seed warehouses, See **Licenses**
Sales
  prohibitions, 80-5-105
  violations and penalty, 80-5-113
Samples for testing, 80-5-108 — 80-5-110
Screenings, restrictions, 80-5-204
"Stop sale" orders, 80-5-112
Testing, 80-5-108 — 80-5-110
  certificate of results, 80-5-111
Vegetable seeds
  defined, 80-5-101
  labeling, 80-5-104
  prohibitions, 80-5-105
Violations
  certification, unlawful use, 80-5-305
  licenses, failure or refusal to obtain, 80-5-205, 80-5-207
  misbranding or mislabeling, 80-5-205, 80-5-207
  noxious weed seeds, violation of interstate embargo against, 80-7-703
  penalties, 80-5-207, 80-5-305
  reports regarding, 80-5-108, 80-5-207
  rules, noncompliance, 80-5-205, 80-5-207
  sales, violations generally, 80-5-113
Warehouses, See **Licenses**
Weed seeds, See also **Noxious weed seeds**
  commercial feeds, in, 80-9-204
  content in seed for sale, restrictions, 80-5-105
  defined, 80-5-101

AGRICULTURE

  See also **FOOD AND FOOD PRODUCTS; LIVESTOCK**

Alfalfa
  leaf-cutting bees, See **ALFALFA LEAF-CUTTING BEES**
  seed, See **ALFALFA SEED**; See also **AGRICULTURAL SEEDS**, generally
Alfalfa Leaf-cutting Bee Advisory Committee, See **ALFALFA LEAF-CUTTING BEES, Committee**

AGRICULTURE (Continued)

Alfalfa Seed Committee, See **ALFALFA SEED, Committee**
Apiaries, See **APIARIES**
Apiculture, See **APIARIES**, generally
Apples, See **HORTICULTURE**
Associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**
Barberry control, See **HORTICULTURE**
Barley, See generally **AGRICULTURAL SEEDS; GRAIN**
Beans, See generally **AGRICULTURAL SEEDS; HORTICULTURE, Bean storage; Grades and brands**
Bees and beekeeping, See **ALFALFA LEAF-CUTTING BEES; APIARIES**, generally
Brands and grades of farm products, See **HORTICULTURE, Grades and brands**
Building codes, inapplicability, 50-60-102, 50-60-503
Casualty insurance companies, See **INSURERS — FARM MUTUAL**
Clover, See **AGRICULTURAL SEEDS**, generally
College, land-grant — for agricultural purposes, See **MONTANA STATE UNIVERSITY**, generally
Combine harvesters
- equipment
  - security interest, 30-9-103, See **SECURED TRANSACTIONS, General intangibles**
  - taxation, See **TAXATION, Custom combiner's tax**; See also **Agricultural**, machinery and equipment
- lien of, See **LIENS, Threshers' liens**
- special fuels permit, 15-70-311, 15-70-312
- taxation, See **TAXATION, Agricultural**, machinery and equipment; **Custom combiner's tax**

Commercial feeds, See **COMMERCIAL FEEDS**
Commercial fertilizers, See **COMMERCIAL FERTILIZERS**
Commission merchants, 30-11-401
Conservation districts, See **CONSERVATION DISTRICTS**
Consumer protection, See **FOOD AND FOOD PRODUCTS**, generally
Cooperative marketing, See **AGRICULTURAL MARKETING ASSOCIATIONS**
Corn, See generally **AGRICULTURAL SEEDS; COMMERCIAL FEEDS; GRAIN**
County services, See **COUNTIES, Agricultural services**
Crop dusting, lien for, See **LIENS**
Croplands, See **Land**
Crops, See also **Produce**
- damage by wild animals, 87-1-225, 87-1-226, 87-1-304
- fire protection, 76-11-102
- goods, as, 30-2-105, 30-9-103
- identification for sale, 30-2-501
- insect control, See **INSECTS AND INSECT CONTROL, Control programs**
- liens
  - dusting, See **LIENS**
  - farm laborers, See **LIENS**
  - hail insurance, See **LIENS**
  - seed and grain, See **LIENS**
  - threshers, See **LIENS**
- production, state land classification for, See **STATE LANDS, Classification**
- tenant at will, rights, 70-16-104, 70-26-206
- tenant for years, rights, 70-16-104, 70-26-206
- wild animals, damage by, 87-1-225, 87-1-226, 87-1-304

Dairies and dairy products, See **DAIRIES AND DAIRY PRODUCTS**
Department of, See **AGRICULTURE, DEPARTMENT OF**
Development, See **ECONOMIC DEVELOPMENT**, generally; **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Director of, See **AGRICULTURE, DEPARTMENT OF**
Disease control, See **HORTICULTURE, Disease control for fruits and vegetables; INSECTS AND INSECT CONTROL, Control programs; WEEDS AND WEED CONTROL, Noxious plant management**

AGRICULTURE (Continued)

Dry beans, See generally **AGRICULTURAL SEEDS; HORTICULTURE, Bean storage; Grades and brands**
Economic development, See **ECONOMIC DEVELOPMENT**, generally; **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Eggs, See **POULTRY AND EGGS**
Eminent domain to provide drainage and water, 70-30-102
Environmental quality, See **ENVIRONMENTAL PROTECTION**, generally
Experimental farms, See **MONTANA STATE UNIVERSITY**
Experiment station, See **MONTANA STATE UNIVERSITY, Agricultural experiment station**
Fair price, 30-14-214
Farm
  laborers, See **Laborers**
  mutual insurance companies, See **INSURERS — FARM MUTUAL**
  name, registration, 30-13-112
  products, standard grades and brands, See **HORTICULTURE, Grades and brands**
  statistics, See **Statistics**
Farmers markets, See **PUBLIC MARKETS**
Feed grains, See **GRAIN**, generally
Feeds, See **COMMERCIAL FEEDS**
Fertilizer advisory committee, See **COMMERCIAL FERTILIZERS, Advisory committee**
Fertilizers, See **COMMERCIAL FERTILIZERS**
Fire districts and protection, See **FIRES AND FIRE PROTECTION, Rural districts; Rural protection**
Fire insurance companies, See **INSURERS — FARM MUTUAL**
Floodways, agricultural uses within, See **FLOODPLAINS AND FLOODWAYS, Uses within**, generally
Food, as, See **FOOD AND FOOD PRODUCTS**, generally
Forest lands, agricultural lands within, See **FORESTS AND FORESTRY**, generally
Fruit, See **HORTICULTURE**
Grades and brands of farm products, See **HORTICULTURE, Grades and brands**
Grain, See **GRAIN**
Grain and seed laboratory, See **MONTANA STATE UNIVERSITY**
Grass Conservation Act, Title 76, chapter 16, See **GRAZING DISTRICTS**, generally
Grazing districts, See **GRAZING DISTRICTS**
Greenbelt Law, Title 15, chapter 7, part 2, See **TAXATION, Agricultural land**
Gross vehicle weight fees, See **MOTOR VEHICLES**
Hail insurance
  board of, See **HAIL INSURANCE**
  companies, See **INSURERS — FARM MUTUAL**
  general provisions, See **HAIL INSURANCE**
  liens for, See **LIENS**
Hay, See generally **AGRICULTURAL SEEDS; COMMERCIAL FEEDS; INSECTS AND INSECT CONTROL, Control programs**
Highway construction, relocation assistance when property acquired for, See **HIGHWAYS, Displaced persons, relocation assistance**
Honey, See **APIARIES**, generally
Horticulture, See **HORTICULTURE**
Housing projects, See **HOUSING AUTHORITIES — COUNTY, Rural housing projects**
Hucksters, See **HUCKSTERS**
Implements of husbandry, See **Machinery and equipment**
Insect control on crops, lien for labor, See **LIENS, Crop dusting, liens for**
Insect pests, control, See **INSECTS AND INSECT CONTROL**, generally
Insurance companies concerning, See **INSURERS — FARM MUTUAL**
Irrigation, See **IRRIGATION; IRRIGATION DISTRICTS**
Itinerant merchants, licensing, See **ITINERANT MERCHANTS**
Labeling, See **FOOD AND FOOD PRODUCTS**
Laborers
  income tax withholding exemption, 15-30-201
  liens for wages, See **LIENS, Farm laborers' liens; Mechanics' liens**

AGRICULTURE (Continued)

Land
  agricultural associations, of, See **AGRICULTURAL ASSOCIATIONS, Membership lands**
  appraisal, See **TAXATION, Agricultural land**, appraisal
  development, 90-2-101, 90-2-113, See **RENEWABLE RESOURCE DEVELOPMENT**, generally
  erosion control, See **CONSERVATION DISTRICTS**, generally
  fire protection and conservation, See **NATURAL RESOURCES**
  grazing, See **GRAZING DISTRICTS**
  greenbelt law, Title 15, chapter 7, part 2, See **TAXATION, Agricultural land**
  insect control, See **INSECTS AND INSECT CONTROL, Control programs**
  leases, See **Leases**
  partition of land, separate sales, 70-29-302
  subdivision, See **SUBDIVISIONS**, generally
  taxation, See **TAXATION**
  tenant at will, rights, 70-16-104, 70-26-206
  tenant for years, rights, 70-16-104, 70-26-206
  transfers, recording exemption, 15-7-307
  unlawful detainer, 70-27-108, See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER**
Land-grant college for, See **MONTANA STATE UNIVERSITY**, generally
Leases
  applicability of laws, 70-24-104, 70-26-206
  duration, 70-26-207
  state lands, See **STATE LANDS, Agricultural, grazing, and city lot leases**
  unlawful detainer, 70-27-108, See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER**
Legumes, See generally **AGRICULTURAL SEEDS; HORTICULTURE, Bean storage; Grades and brands**
Liens, See **LIENS**
Livestock, See **LIVESTOCK**
Machinery and equipment
  execution, exemption, 25-13-612
  generally, See **MOTOR VEHICLES, Gross vehicle weight fees; Implements of husbandry; Special mobile equipment**
  gross vehicle weight fees, See **MOTOR VEHICLES**
  sales, 30-9-103, 31-1-233, See **SECURED TRANSACTIONS, General intangibles**
  taxation, See **TAXATION**
Manures, See **COMMERCIAL FERTILIZERS**, generally
Marketing
  associations, See **AGRICULTURAL MARKETING ASSOCIATIONS**
  commission merchants, 30-11-401
  cooperation by state agencies, 80-11-104
  definitions, 80-11-101
  departmental duties, 80-11-103
  legislative intent, 80-11-102
  news service, 80-1-102
  price, fair, 30-14-214
  unfair practices, injunction, 27-19-202, 27-19-204
  wheat research and marketing, See **GRAIN**
Markets, See **PUBLIC MARKETS**
Merchants, See **ITINERANT MERCHANTS**
Mining operations, protection from, 82-4-202, 82-4-227, 82-4-231, 82-4-232, 82-4-402
Montana grain and seed laboratory, See **MONTANA STATE UNIVERSITY, Grain and seed laboratory**
Montana quality label, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS**
Motor vehicles, See **Machinery and equipment**
Mustard seed, See **MUSTARD SEED**
Name of farm or ranch, registration, 30-13-112
Noxious plant management, See **WEEDS AND WEED CONTROL**
Nuisance suits based on odors barred, 27-30-101, 45-8-111
Nurseries and nurserymen, See **NURSERIES AND NURSERYMEN**

AGRICULTURE (Continued)

Oats, See generally **AGRICULTURAL SEEDS; GRAIN**
Odors, nuisance suit based on barred, 27-30-101, 45-8-111
Oil and gas operations, protection of land, 82-10-501, See **OIL AND GAS, Surface owner**
Partition proceedings, terms of sale under, 70-29-302
Pesticides Act, Title 80, chapter 8, See **PESTS AND PESTICIDES**
Plumbing installations on farms, exemption from provisions when, 37-69-102, 50-60-503
Poultry, See **POULTRY AND EGGS**
Price, fair, 30-14-214
Produce, generally, See generally **Crops; HORTICULTURE; ITINERANT MERCHANTS; PRODUCE WHOLESALERS; PUBLIC MARKETS**
Public markets, See **PUBLIC MARKETS**
Quality label, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS, Montana quality label**
Quarantines, See **ALFALFA LEAF-CUTTING BEES; APIARIES; HORTICULTURE, Disease control for fruits and vegetables; Orchards; NURSERIES AND NURSERYMEN; POULTRY AND EGGS; WEEDS AND WEED CONTROL, Quarantine programs**
Railroad fireguards to protect farmland, See **RAILROADS, Fireguards along right-of-way**
Ranch laborers, See **Laborers**
Rangelands, insect control, See **INSECTS AND INSECT CONTROL, Control programs**
Relocation assistance when property acquired for highway construction, See **HIGHWAYS, Displaced persons, relocation assistance**
Research, See **Marketing**; See also **GRAIN, Wheat research and marketing**
Research centers, 20-25-224, See also **MONTANA STATE UNIVERSITY**
Rivers and streams, use, See **RIVERS AND STREAMS**, generally
Rodent control, See **RODENTS AND RODENT CONTROL**
Rural housing projects, See **HOUSING AUTHORITIES — COUNTY, Rural housing projects**
Rural rehabilitation, See **AGRICULTURE, DEPARTMENT OF**
Rye, See generally **AGRICULTURAL SEEDS; GRAIN**
Sales
  identification of crops, 30-2-501
  secured transactions, See **SECURED TRANSACTIONS**
  uniform commercial code, effect, 30-2-102
Secured transactions, See **SECURED TRANSACTIONS**
Seed and grain laboratory, See **MONTANA STATE UNIVERSITY, Grain and seed laboratory**
Seeds, See **AGRICULTURAL SEEDS; ALFALFA SEED; MUSTARD SEED**
Shelterbelts, establishment, See **FORESTS AND FORESTRY**
Soil
  amendments, See **COMMERCIAL FERTILIZERS**
  conservation districts, See **CONSERVATION DISTRICTS**
  survey and mapping program, See **SOIL SURVEYS**, generally
Spraying of crops, lien for labor, See **LIENS, Crop dusting, liens for**
Standard grades and brands for farm products, See **HORTICULTURE, Grades and brands**
State lands, development for, See **STATE LANDS, Development**
Statistics
  collection, 80-1-201
  compilation generally, 80-1-102
  due when, 80-1-202
  how obtained, 80-1-203
  penalty for refusal to furnish, 80-1-204
Swathers, lien of, See **LIENS, Threshers' liens**
Taxation, See **TAXATION**
Threshers' liens, See **LIENS**
Transportation, See **Marketing**, generally
University, land-grant — for agricultural purposes, See **MONTANA STATE UNIVERSITY**, generally

AGRICULTURE (Continued)

Utility lines, relocation, See **UTILITIES, Overhead lines, relocation**
Vegetables, See **HORTICULTURE**
Vehicles, See **Machinery and equipment**
Warehousing, bonded withdrawal, 30-7-201
Water, eminent domain to provide, 70-30-102
Water quality conservation for, See generally **WATER QUALITY; WATER SUPPLY, PUBLIC**
Waterspreading, See **IRRIGATION**; See also **IRRIGATION DISTRICTS**
Weed control
  crops, lien for labor, See **LIENS, Crop dusting, liens for**
  management, See **WEEDS AND WEED CONTROL, Noxious plant management**
Wheat, See generally **AGRICULTURAL SEEDS; GRAIN**
Wholesalers, See **PRODUCE WHOLESALERS**
Windbreaks, establishment, See **FORESTS AND FORESTRY**
Woodlots, establishment, See **FORESTS AND FORESTRY**

AGRICULTURE, DEPARTMENT OF

  See also **EXECUTIVE BRANCH**, generally

Advisory council concerning pesticides, duties, 80-8-108
Alfalfa Leaf-cutting Bee Advisory Committee, appointments to, 2-15-3005, See also **ALFALFA LEAF-CUTTING BEES**
Alfalfa leaf-cutting bees, duties, See **ALFALFA LEAF-CUTTING BEES**
Alfalfa Seed Committee, See **ALFALFA SEED, Committee**
Alfalfa seed, duties, See **ALFALFA SEED**
Apiaries, inspection and certification, See **APIARIES**
Apples, inspection and certification, See **HORTICULTURE**
Authority generally, 80-1-102
Barberry control, See **HORTICULTURE**
Barley, research and marketing, See **GRAIN, Wheat research and marketing**
Bean storage, See **HORTICULTURE**
Board of Hail Insurance, See **HAIL INSURANCE**
Commerce, Department of — cooperation with, 81-23-103
Commercial feed regulations, administration, See **COMMERCIAL FEEDS**
Commercial fertilizer regulations, See **COMMERCIAL FERTILIZERS**
Commissioner, member of pork research and marketing committee, 2-15-3103
Committees
  alfalfa leaf-cutting bee advisory, See **ALFALFA LEAF-CUTTING BEES**
  Montana alfalfa seed, See **ALFALFA SEED, Committee**
  wheat research and marketing, See **GRAIN, Wheat research and marketing**, committee
Creation, 2-15-3001
Croplands, insect pest control, See **INSECTS AND INSECT CONTROL**
Defined, 80-1-101
Director
  alfalfa seed committee, member of, 2-15-3004, See also **ALFALFA SEED**
  appointment, 2-15-3001
  department head, as, 2-15-3001
  hail insurance, board of — member, 2-15-3003
  nurseries and stock thereof, cooperation and agreements concerning, 80-7-132
  nursery stock, appeal and decision regarding destruction, 80-7-111
  pesticides, appointment of advisory council regarding, 80-8-108
  statistics, preparation and delivery of blanks for, 80-1-201, 80-1-202
  water pollution control advisory council, member, 2-15-2107
  wheat research and marketing committee, member, 2-15-3002
Dutch elm disease control programs, duties, See **LOCAL GOVERNMENT, Dutch elm disease control**
Duties generally, 80-1-102
Enforcement by, 80-1-102
Food commodities, inspection, 81-8-701
Grades for farm products established by, See **HORTICULTURE, Grades and brands**

AGRICULTURE, DEPARTMENT OF (Continued)

Grain, duties regarding, See **GRAIN**
Hail Insurance, Board of, See **HAIL INSURANCE**
Hazardous wastes, agreements concerning, 80-8-110, See also **PESTS AND PESTICIDES**
Highways building, allocation of space in, 2-17-106
Insect pests, control, See **INSECTS AND INSECT CONTROL**
Inspection of food commodities, 81-8-701
Itinerant merchants, licensing, See **ITINERANT MERCHANTS**
Laboratories, See **GRAIN, Protein testing laboratory; MONTANA STATE UNIVERSITY, Grain and seed laboratory**
Leaf-cutting bees, duties, See **ALFALFA LEAF-CUTTING BEES**
Marketing duties, 80-11-102, 80-11-103
Market news service, 80-1-102
Montana Wheat Research and Marketing Committee, See **GRAIN, Wheat research and marketing**, committee
Mustard seed, administration of provisions, See **MUSTARD SEED**
Noxious plants, management programs, See **WEEDS AND WEED CONTROL**
Nursery stock, provisions regarding, See **NURSERIES AND NURSERYMEN**
Pesticide regulation and registration, See **PESTS AND PESTICIDES**
Pork Research and Marketing Committee, commissioner as member, 2-15-3103
Produce wholesalers, duties regarding, See **PRODUCE WHOLESALERS**
Property, authority, 80-1-102
Protein testing laboratory, 80-4-116, See also **GRAIN**
Rural rehabilitation
  liability regarding, 80-2-105
  powers concerning, 80-2-104
  rules, 80-2-106
  trust assets
    administration, 80-2-103
    agreements concerning, 80-2-102
    application for return, 80-2-101
Seed labelers, buyers, processing plants, and warehouses — licensing, See **AGRICULTURAL SEEDS**
Solid wastes, agreements concerning, 80-8-110, See also **PESTS AND PESTICIDES**
Statistics, compilation, See **AGRICULTURE**
Weed control management, See **WEEDS AND WEED CONTROL**
Wheat Research and Marketing Committee, See **GRAIN, Wheat research and marketing**, committee
Wheat research and marketing, duties, See **GRAIN**

AIDING AND ABETTING

  See **CRIMES; CRIMINAL PROCEDURE, Accomplices**

AID TO DEPENDENT CHILDREN

  See **PUBLIC ASSISTANCE**

AIRBILLS

  See **DOCUMENTS OF TITLE**, generally

AIR CARRIERS

  See **AERONAUTICS**

AIRCRAFT

  See **AERONAUTICS**; See also generally **VEHICLES**

AIRLINES
  See **AERONAUTICS, Air carriers**, generally

AIR NATIONAL GUARD
  See **MILITARY AFFAIRS**, generally

AIRPLANES
  See **AERONAUTICS, Aircraft**, generally

AIR POLLUTION
  See **AIR QUALITY**

AIR POLLUTION CONTROL ADVISORY COUNCIL
  See **AIR QUALITY**

AIRPORT AUTHORITIES ACT, Title 67, chapter 11
  See **AIRPORTS AND LANDING FIELDS, Airport authorities**

AIRPORT INFLUENCE AREAS, Title 67, chapter 4
  See **AIRPORTS AND LANDING FIELDS**

AIRPORTS AND LANDING FIELDS
  See also **AERONAUTICS**, generally

Adjustment, Board of, See **Local government**, board of airport hazard adjustment
Airport authorities
- agreements, 67-11-203
- airport authorities act
  - citation, 67-11-101
  - purpose, 67-11-105
- "airport authority" defined, 67-1-101, 67-11-102
- citation of airport authorities act, 67-11-101
- commerce, department of — powers regarding, See **Commerce, Department of**
- commissioners
  - appointment and powers, 67-11-104
  - municipal airport authority, 67-11-102
  - regional airport authority, 67-11-103
- cooperation and aid of municipalities, 67-11-106
- creation, 67-11-102, 67-11-103
- definitions, 67-1-101, 67-11-203
- eminent domain proceedings, authorization for, 67-11-201, 67-11-204, 67-11-231, 67-11-401
- employees, 67-11-104
- establishment of airports by, 67-11-201
- executive officers, 67-11-104
- functions declared public purpose, 67-11-105
- funding for airport purposes, 67-11-106, 67-11-201, 67-11-205, 67-11-301, 67-11-302
  - bonds issued when, 67-11-301, 67-11-303
  - federal and state moneys, disposition, 67-11-305
  - gifts and loans, 67-11-305
  - sinking funds, 67-11-304
- joint authority and privileges
  - board, creation and powers, 67-11-204
  - eminent domain proceedings by, 67-11-204

AIRPORTS AND LANDING FIELDS (Continued)

Airport authorities (Continued)
  joint authority and privileges (Continued)
    expenses, 67-11-204
    funding for, 67-11-205
    powers, 67-11-204, 67-11-206
  municipal airport authority, 67-11-102
  municipalities, cooperation and aid, 67-11-106
  officers, 67-11-104
  operation of airports
    contracts or leases, terms and conditions, 67-11-211
    control, 67-11-222
    income control, 67-11-222
  out-of-state airports, jurisdiction, 67-11-401
  parks, airports near, 67-11-221
  ports of entry, airports near, 67-11-221
  powers
    commissioners, vested in, 67-11-104
    generally, 67-11-201, 67-11-203
    supplemental, 67-11-206
  property
    acquisition, 67-11-106, 67-11-201, 67-11-204, 67-11-231
    disposal, 67-11-232
    tax exemption on, 67-11-306
  public purpose, 67-11-105
  recreation areas, airports near or in, 67-11-221
  regional airport authority, 67-11-103
  rules by, 67-11-202
  supplemental powers, 67-11-206
  taxation
    certification of levy, 67-11-201, 67-11-301
    county levies, 67-11-201, 67-11-302
    exemptions, 67-11-306
    municipal levies, 67-11-201, 67-11-301
  water ports, power to establish, 67-11-201
  zoning authority unaffected, 67-11-241, See also **Zoning and hazard regulations**
"Airport" defined, 67-1-101
Airport Zoning Act, Title 67, chapter 6, See **Zoning and hazard regulations**
Air traffic control tower operators, licensing, See **Licensing**
Alcoholic beverage licenses, 16-4-208, 16-4-501, See also **ALCOHOLIC BEVERAGES, Licenses and licensing**
Approach areas, buildings in, See **Height of buildings and structures**
Bond issues, 67-10-402, 67-11-301, 67-11-303
Building heights, See **Height of buildings and structures**
Cities and towns, acquisition of landing fields, 7-14-4801
Commerce, Department of
  airport authorities
    agency for, 67-11-305
    operation and income, control, 67-11-222
    powers regarding, 67-11-221
  licensing orders, 67-3-104
  municipal airports
    agent for federal or state money, 67-2-403, 67-10-405
    cooperation with, 67-2-301, 67-2-402
    federal aid, approval of application for, 67-10-405
    lease of state airports by, 67-2-302
  state airports, control, See **State airports**
Definitions, 67-1-101, 67-4-102, 67-5-102, 67-10-204, 67-11-303
Easements, acquisition, 67-2-301, 67-6-301, 67-10-201, 67-11-201
Emergency landing strips, exemption from zoning regulations, 67-5-102
Eminent domain proceedings
  airport authorities, 67-11-201, 67-11-204, 67-11-231, 67-11-401
  generally, 67-6-301

AIRPORTS AND LANDING FIELDS (Continued)

Eminent domain proceedings (Continued)
  local government, 67-10-102, 67-10-103, 67-10-201, 67-10-205
  municipalities, 67-10-221
  out-of-state, reciprocity, 67-11-401
  state airports, 67-2-301
Establishment, See generally **Airport authorities**; **Municipal airports**
Exclusive use prohibited, 67-2-101
Federal aid regulations, 67-2-403, 67-10-405
Flight paths, See **Influence areas**; **Zoning and hazard regulations**
Funding, See **Airport authorities**; **Municipal airports**
Garbage disposal methods, inspection, 81-2-510
Hazard regulations, See **Zoning and hazard regulations**
Height of buildings and structures
  "building" defined, 67-1-101
  criteria and guidelines for regulation, 67-4-203
    amendment, 67-4-204
  federal regulations, consistent with, 67-4-202
  influence areas, See **Influence areas**
  nonconforming existing structures
    acquisition, 67-5-202
    prior, rules respecting, 67-4-303, 67-4-311
  nonconforming uses
    interference prohibited when, 67-6-203
    variance for, 67-4-313
  permit for erection of building, 67-5-203
  restrictions and safety consideration, 67-5-201
  rules, adoption, 67-4-301
  "structure" defined, 67-1-101
  zoning ordinances, conformity, 67-6-204
Highways and roads to, 67-10-211, 67-11-106, 67-11-201
Highways, Department of, assistance by, 67-10-211
Hunting purposes, use unlawful, 87-3-126
Influence areas
  board of airport hazard adjustment, See **Local government**
  buildings, height, See **Height of buildings and structures**
  definitions, 67-1-101, 67-4-102
  designation
    effect, 67-4-202
    generally, 67-4-201
    hearings, public, 67-4-201
    map, filing, 67-4-201
    redesignation, 67-4-204
  federal regulations, applicability, 67-4-202, 67-4-203
  hearings, public, 67-4-201, 67-4-302
  height of buildings or structures, See **Height of buildings and structures**
  land use, See **Land use**
  legislative intent, 67-4-101
  local government, See **Local government**
  noise and vibration, See **Noise and vibration**
  permit system for land use changes, 67-4-311
  purpose of regulations, 67-4-101
  regulation, criteria and guidelines for, 67-4-203
    amendment, 67-4-204
    state lands, located on, 67-4-211
  residential subdivisions, 67-4-303
  rules
    adoption, 67-4-301
    hearings, 67-4-302
    permit system for land use changes, 67-4-311
    reasonableness, 67-4-303
    variances, 67-4-313, 67-4-314
  state lands, located on, 67-4-211

AIRPORTS AND LANDING FIELDS (Continued)

Influence areas (Continued)
- structures, height, See **Height of buildings and structures**
- variances
  - application, 67-4-313
  - conditions respecting, 67-4-314
  - granted when, 67-4-313
- violations and penalty, 67-4-401
  - injunction to abate, 67-4-402
- zoning ordinances, effect on, 67-4-304

Injunctions, 67-4-402, 67-6-211

Insurance vending machines, licensing, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS, Licenses — agents and solicitors**

Land use
- federal regulations, consistent with, 67-4-202
- nonconforming uses
  - prior, rules respecting, 67-4-303, 67-4-311
  - variance granted when, 67-4-313
- permit system for changes, 67-4-311
- regulation, criteria and guidelines for, 67-4-203
  - amendment, 67-4-204
- residential subdivisions, 67-4-303

Licensing
- air traffic control tower operators
  - denial, 67-3-104
  - discrimination in issuance prohibited, 49-3-204
  - display, 67-3-103
  - exceptions, 67-3-102
  - federal license
    - possession, 67-3-103
    - registration, 67-3-101
  - fee, 67-3-101
  - general provisions, 67-3-101
  - orders of department of commerce, 67-3-104
  - renewal, 67-3-101
  - revocation, 67-2-401, 67-3-101, 67-3-104
- appeal procedures, 67-3-104
- application hearings, 67-3-302
- certificate of approval
  - application, 67-3-301
  - criteria for issuance, 67-3-303
  - fees not applicable, 67-3-101
  - hearings, 67-3-302
  - required when, 67-3-301
  - revocation, 67-3-304
- criteria for issuance, 67-3-303
- denial, 67-3-104, 67-3-302
- exceptions
  - federal facilities, 67-3-306
  - personal use, 67-3-305
- fees, 67-3-101
- hearings, 67-3-302
- inspection of premises, 67-3-105
- issuance, criteria for, 67-3-303
- renewal, 67-3-101
- required, 67-3-301
- revocation, 67-3-304

Local government
- board of airport hazard adjustment
  - appointment, 67-4-312
  - variances, applications, 67-4-313
- damages uncollectible from, 67-4-202, 67-4-313
- hearings, 67-4-302

AIRPORTS AND LANDING FIELDS (Continued)

Local government (Continued)
  heights, adoption of rules for, 67-4-301
  injunction to abate violations, 67-4-402
  markers and lights installed by, when, 67-4-314
  notice of hearing by, 67-4-302
  zoning powers, See **Zoning and hazard regulations**
Markers and lights
  airport authorities, powers, 67-11-201
  easements for, 67-2-301
  local government to install when, 67-4-314
  permits and variances, requirement, 67-6-207
  restrictions on lights, 67-5-204
  safety devices, maintained as, 67-5-201
  variance areas, installation in, 67-4-314
Municipal airport authorities, Title 67, chapter 11, See **Airport authorities**
Municipal airports
  airport guards or police, 67-10-301
  assistance to other municipalities when, 67-10-203
  board to administer, 67-10-202
  charges, 67-10-202
  citation of municipal airports act, 67-10-101
  construction of municipal airports act, uniformity, 67-10-104
  coordination with state and federal operation and design, 67-10-201
  definitions, 67-10-204
  eminent domain proceedings authorized when, 67-6-301, 67-10-102, 67-10-103, 67-10-201, 67-10-205, 67-10-221
  establishment
    certificate of approval, 67-3-301
    federal or state money, 67-2-403, 67-10-405
    generally, 67-1-104, 67-2-402, 67-10-102, 67-10-201, 67-10-221, 67-10-303
    joint board, 67-10-205
  federal aid applications, 67-10-405
  funding
    appropriation and taxation, 67-10-401
    bonds issued when, 67-10-402
    federal and state moneys, disposition, 67-10-405
    joint authority, 67-10-206
    joint fund established, 67-10-202
    reserve fund for runway maintenance, 67-10-402
    revenue and sale proceeds, disposition, 67-10-404
    taxation provisions, 67-3-201, 67-10-402
  hazards, zoning limitations for, 67-10-231
  highways, department of — assistance in road construction when, 67-10-211
  joint authority and privileges
    acquisition of property, 67-10-102
    agreements, 67-10-204
    board, creation and powers, 67-10-205
    eminent domain proceedings authorized when, 67-10-205
    funding, 67-10-206
    powers, exercise of, 67-10-204
    taxation, 67-10-402
  liens on personal property for maintenance, 67-10-403
  location, 67-10-102
  municipal airport authority, See **Airport authorities**
  municipal airports act
    citation, 67-10-101
    construction, uniformity, 67-10-104
  "municipality" defined, 67-1-101
  operation and use
    authority, delegated, 67-10-303
    charges, 67-10-302
    contract or lease agreements, 67-10-302

AIRPORTS AND LANDING FIELDS (Continued)

Municipal airports (Continued)
  operation and use (Continued)
    expenses, 67-10-202
    regulatory authority, 67-10-301
    runway maintenance, reserve fund, 67-10-402
  powers of municipalities
    assistance to other municipalities, 67-10-203
    board to administer, creation, 67-10-202
    generally, 67-10-201
    regulatory authority, 67-10-301
    supplemental, 67-10-207, 67-10-303
  property
    acquisition, 67-1-104, 67-2-301, 67-2-302, 67-6-301, 67-10-102, 67-10-205, 67-10-221
    disposal, 67-10-205, 67-10-222, 67-10-404
    liens on personal property, 67-10-403
    tax exemption on, 67-10-406
  public purpose, 67-10-103
  road construction, 67-10-211
  runway maintenance, reserve fund, 67-10-402
  site approval, 67-3-301
  state facilities, lease of, 67-2-302
  tax exemptions, 67-10-301, 67-10-406
  zoning authority unaffected, 67-10-231, See also **Zoning and hazard regulations**
Noise and vibration
  damages caused by, 67-4-202, 67-4-313
  regulation, criteria and guidelines for, 67-4-203
    amendment, 67-4-204
  surface owner's rights, 70-16-101
Operation of airports, See **Airport authorities**; **Municipal airports**
Out-of-state airports, jurisdiction and reciprocity, 67-11-401
Passenger terminals, fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Property
  acquisition
    airport authorities, 67-11-106, 67-11-201, 67-11-204, 67-11-231
    airport zoning act, 67-6-301
    certificates of approval, See **Licensing**
    generally, 67-1-104
    municipal airports, 67-10-102, 67-10-205, 67-10-221
    state airports, 67-2-301, 67-2-302
  disposal, 67-11-232
  tax exemption, 67-10-406, 67-11-306
Regional airport authorities, Title 67, chapter 11, See **Airport authorities**
Residential subdivisions, effect of influence areas, 67-4-303
State airports
  acquisition or disposal of property, 67-1-104, 67-2-301, 67-2-302
  air carriers property tax, disposition, 67-1-303
  eminent domain proceedings, 67-2-301
  operation generally, 67-2-302
  security measures, 67-2-302
Subdivisions, residential — effect of influence areas, 67-4-303
Taxation, See **TAXATION**
Terminals, fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Traffic control operators, See **Licensing**, air traffic control tower operators
Violations, 67-4-401, 67-5-211, 67-6-211
Water ports, establishment, 67-11-201
Zoning and hazard regulations
  acquisition of property in lieu of, 67-6-301
  adjustment, board of, 67-6-205, 67-6-206
  administration of regulations, 67-6-205
  adoption of regulations, procedures, 67-6-201, 67-6-202

AIRPORTS AND LANDING FIELDS (Continued)

Zoning and hazard regulations (Continued)
- airport authorities act, effect, 67-11-241
- airport authorities, power to establish, 67-11-201
- "airport hazard area" defined, 67-1-101
- "airport hazard" defined, 67-1-101
- airport zoning act
  - citation, 67-6-101
  - purpose, 67-6-102
  - violation and penalties, 67-6-211
- airport zoning commission, appointment and function, 67-6-202
- amendment of regulations, procedures, 67-6-201, 67-6-202
- appeals and judicial review, 67-6-206
- authority not limited, 67-2-301
- board of airport hazard adjustment, See **Local government**
- boundaries of restricted building area, 67-5-201
- building heights, See **Height of buildings and structures**
- commission, appointment and functions, 67-6-202
- conflict
  - ordinances, 67-6-204
  - political subdivisions, between, 67-6-201, 67-6-204
- conformity with existing regulations, 67-6-204
- constitutional limitations, 67-6-103
- creation or establishment of hazards, prevention, 67-6-102, 67-6-201
- emergency landing strips, exemption, 67-5-102
- enforcement, 67-5-211, 67-6-205
- influence areas, effect on, 67-4-304
- injunction to abate violations, 67-6-211
- joint airport zoning boards, creation, 67-6-201
- legislative intent, 67-6-102
- licenses, criteria for issuance, 67-3-303
- lights, See **Markers and lights**
- local government
  - permits, action on, 67-6-207
  - powers, 67-6-201, 67-6-204, 67-6-301
- markers, See **Markers and lights**
- merger with other ordinances, 67-6-204
- municipal airports
  - acquisition or elimination of hazards, 67-10-103
  - effect on zoning authority, 67-10-231
- nonconforming existing structure, acquisition, 67-5-202
- nuisance, public — hazard as, 67-6-102
- permit for erection of building, 67-5-203
- permit system
  - application, 67-6-207
  - required when, 67-6-207
- power to zone, 67-6-201
- purpose of regulations, 67-5-101
- reasonableness required, 67-6-203
- repeal of regulations, procedures, 67-6-201, 67-6-202
- surface owner's rights, 70-16-101
- variances, 67-4-313, 67-4-314, 67-6-207
- violations and penalty, 67-5-211, 67-6-211

AIRPORT ZONING ACT, Title 67, chapter 4

See **AIRPORTS AND LANDING FIELDS**, **Zoning and hazard regulations**

AIR QUALITY

Abatement of pollution, See **Prevention, abatement, and control of pollution**

Actions
- air contaminant sources, establishment of existence of trade secrets, 75-2-105

AIR QUALITY (Continued)

Actions (Continued)
  emissions — prevention, abatement, and control, 75-2-401
  enforcement, 75-2-412, 75-2-413
  personal cause unabridged, 75-2-104
Administration of provisions
  departmental responsibility, 75-2-112, 75-2-301
  local control programs, 75-2-301
  rules for, 75-2-111
Advisory council, See **Air pollution control advisory council**
Air contaminant sources, See also **Emissions**
  "air contaminant" defined, 75-2-103
  classification, 75-2-201
  construction, installation, alteration, or use, See **Facility construction, installation, alteration, or use**, generally
  consultations concerning, 75-2-112
  control, See **Control programs**
  departmental control, 75-2-301
  inspections, 75-2-403
  records, 75-2-105
  reports, 75-2-201
  trade secrets, confidentiality when, 75-2-105
Air pollution control advisory council
  chairman, 75-2-122, 75-2-123
  composition, 2-15-2106
  defined, 75-2-103
  duty generally, 75-2-121
  facility construction, installation, alteration, or use — rules concerning, 75-2-205
  meetings and records thereof, 75-2-122, 75-2-123
  secretary, 75-2-122, 75-2-123
  term of office, 2-15-2106
"Air pollution" defined, 75-2-103
Alteration of air contaminant devices, See **Facility construction, installation, alteration, or use**, generally
Ambient air quality standards, 75-2-202
Analyses, publication, 75-2-105
Appeal procedures, 75-2-411
Area classification redesignation, application and fees, 75-2-112
Asbestos regulation, See **BUILDINGS AND BUILDING REGULATIONS**
Clean Air Act of Montana
  citation, 75-2-101
  purpose, 75-2-102
Clean Indoor Air Act of 1979, Title 50, chapter 40, part 1, See **PUBLIC ACCOMMODATIONS, Smoking areas**
Compliance with provisions
  inspections to ascertain, 75-2-403
  noncompliance, See **Noncompliance penalties**
  voluntary, obtaining, 75-2-401
Construction of air contaminant devices, See **Facility construction, installation, alteration, or use**, generally
Contamination sources, See **Air contaminant sources**
Control, See **Control programs**; **Emissions**; **Prevention, abatement, and control of pollution**
Control programs
  departmental, 75-2-301
  local
    federal aid, 75-2-302
    general provisions, 75-2-301
    state aid, 75-2-112, 75-2-302
  support for, 75-2-102
  workplace, in, See **LABOR AND EMPLOYMENT, Health safeguards**
Cooperation regarding, 75-2-112
Definitions, 75-2-103, 75-2-423

AIR QUALITY (Continued)

Educational programs, 75-2-112
Emergency procedures, 75-2-402
    energy emergencies, suspension of controls, 90-4-310
Emissions, See also **Air contaminant sources**
    defined, 75-2-103
    levels, limitations, 75-2-203
        noncompliance, See **Noncompliance penalties**
    motor vehicles, 75-2-112
    prevention, abatement, or control, See **Prevention, abatement, and control of pollution**
    records concerning, 75-2-105, 75-2-111
    reduction or discontinuance, 75-2-402
    variance from rules, 75-2-212
    workplace, in, See **LABOR AND EMPLOYMENT**, **Health safeguards**
Energy emergencies, suspension of controls, 90-4-310
Enforcement of provisions
    injunction, 75-2-412, 75-2-413
    local control programs, 75-2-301
    orders
        board, by, 75-2-112, 75-2-401
        department, by, 75-2-401
    out-of-state litigants, 75-2-413
    proceedings, 75-2-412, 75-2-413
        noncompliance penalties, effect, 75-2-429
    rules for, 75-2-111
Environmental impact
    analysis, 75-2-112
    statements, 75-2-211, 75-2-212
Exemptions, 75-2-212
Facility construction, installation, alteration, or use
    consultations concerning, 75-2-112
    hearings, 75-2-205
    permits for, 75-2-204, 75-2-211
    prohibited when, 75-2-204
    rules for, 75-2-204
    variances, 75-2-212
Facility Siting Act, permits under, See **FACILITY SITING**, **Air and water quality**
Federal standards, 75-2-203
Fees
    environmental impact analysis, 75-2-112
    noncompliance penalties, See **Noncompliance penalties**, amount
    permits, 75-2-111, 75-2-211
Fines, disposition, 75-2-412, 75-2-413
Flourides, ambient air quality standards for, 75-2-202
Funds, 75-2-112, 75-2-212
Government
    cooperation, 75-2-112
    local programs, See **Control programs**
    responsibilities, distribution, 75-2-102
Grants, 75-2-112
Health and Environmental Sciences, Board of
    air contaminant sources
        classification and reports, 75-2-201
        records and trade secrets, 75-2-105
    ambient air quality standards, establishment, 75-2-202
    appeal procedures, 75-2-411
    defined, 75-2-103
    emergency orders, hearings regarding, 75-2-402
    emissions
        levels, establishment of limitations, 75-2-203
        records relating to, 75-2-111
        variances from rules, 75-2-212

AIR QUALITY (Continued)

Health and Environmental Sciences, Board of (Continued)
- facility construction, installation, alteration, or use
  - hearings, 75-2-205, 75-2-211
  - prohibition, rules for, 75-2-204
  - variances, 75-2-212
- federal aid applications, approval, 75-2-302
- hearings
  - administration, for, 75-2-111
  - emergency orders, 75-2-402
  - emission reduction or discontinuance, emergency orders, 75-2-402
  - enforcement orders, 75-2-401
  - facility construction, installation, alteration, or use, 75-2-205
    - permits for, 75-2-211
  - local control programs, 75-2-301
  - noncompliance penalty exemptions, 75-2-421
    - challenges, 75-2-426
  - variances, 75-2-212
- jurisdiction, limitations, 75-2-104
- local control programs, approval, 75-2-301
- noncompliance penalties
  - amount, determination, 75-2-422
  - challenges, petitions for, 75-2-425
    - hearing, 75-2-426
  - exemption decisions, hearings, 75-2-421
- occupational health, regulatory authority, See **LABOR AND EMPLOYMENT, Health and Environmental Sciences, Board of**
- orders, 75-2-111
  - enforcement, 75-2-112
  - rehearing, 75-2-411
- permits
  - authority regarding, 75-2-211
  - fees, schedule, 75-2-111
  - hearings, 75-2-211
- powers generally, 75-2-111
- records
  - air contaminant sources, 75-2-105
  - emissions, relating to, 75-2-111
- report requirements, 75-2-201
- rules
  - air contaminant sources, reports, 75-2-201
  - emissions, measuring system, 75-2-203
  - facility construction, installation, alteration, or use — prohibition, 75-2-204, 75-2-205
  - generally, 75-2-111
  - noncompliance penalty, determination of amount, 75-2-422
- variances, 75-2-212
- violations, hearings regarding, 75-2-401
- workplace, regulatory authority for, See **LABOR AND EMPLOYMENT, Health and Environmental Sciences, Board of**

Health and Environmental Sciences, Department of
- advisory council
  - capacity, 75-2-121
  - secretary, 75-2-122
- air contaminant sources, records and trade secrets, 75-2-105
- air pollution control equipment, determination of use for tax purposes, 15-6-135
- areas, redesignation, 75-2-112
- control programs, 75-2-301
- defined, 75-2-103
- emergency procedures, 75-2-402
- enforcement proceedings, 75-2-412, 75-2-413
- environmental impact analysis, fees for, 75-2-112
- fees, 75-2-112, 75-2-211, 75-2-212
- funds, 75-2-112, 75-2-212

AIR QUALITY (Continued)

Health and Environmental Sciences, Department of (Continued)
    grants, 75-2-112
    hearings, 75-2-421, 75-2-424
    inspections, 75-2-403
    noncompliance penalties
        amount, adjustment, 75-2-424
        assessment and collection, 75-2-421, 75-2-426, 75-2-427
        hearings, 75-2-421, 75-2-424
        notice of noncompliance, 75-2-425
    occupational health, regulatory authority, See **LABOR AND EMPLOYMENT, Health and Environmental Sciences, Department of**
    orders by, 75-2-401, 75-2-402
    permit issuance, suspension, revocation, or renewal, 75-2-211
    powers and responsibilities generally, 75-2-112
    variance fees, determination, 75-2-212
    violations, orders regarding, 75-2-401
    workplace, regulatory authority for, See **LABOR AND EMPLOYMENT, Health and Environmental Sciences, Department of**
Hearings
    administration of provisions, for, 75-2-111
    emergency orders, 75-2-402
    emission reduction or discontinuance, emergency orders, 75-2-402
    enforcement orders, 75-2-401
    facility construction, installation, alteration, or use, 75-2-205
        permits for, 75-2-211
    local control programs, 75-2-301
    noncompliance penalties
        amount, adjustment, 75-2-424
        exemptions, 75-2-421
            challenges, 75-2-426
    rehearings, 75-2-411
    variances, 75-2-212
Implementation of provisions, rules for, 75-2-111
Indemnification for damage to air resources, See **TAXATION, Resource indemnity trust tax**
Information, dissemination, 75-2-112
Injunction, 75-2-412
Inspections, 75-2-403
Installation of air contaminant devices, See **Facility construction, installation, alteration, or use**
Investigations, 75-2-112
Laboratory facilities, 75-2-112
Limitation of provisions, 75-2-104
Local control programs, See **Control programs**
Mining operations, preventive measures, 82-4-231
Motor vehicles, See **Emissions**
Noncompliance penalties
    amount
        adjustment, 75-2-424
        deposit, 75-2-427
        determination, 75-2-422, 75-2-425
    challenges, 75-2-425, 75-2-426
    exemptions, 75-2-421, 75-2-425
    hearings, 75-2-421, 75-2-424, 75-2-426
    late charge, 75-2-422
    notice of noncompliance, 75-2-425
    payment, manner of making, 75-2-423
    persons subject to, 75-2-421
    remedies, effect on, 75-2-429
    standards, new — effect on, 75-2-428
Occupational health, for, See **LABOR AND EMPLOYMENT, Health safeguards**

AIR QUALITY (Continued)

Orders
  correction of violations, for, 75-2-401
  emergency, 75-2-402
  emission prevention, abatement, or control, 75-2-401
  enforcement, 75-2-112
  injunction, by, 75-2-412
  issuance, 75-2-111
  judicial review, 75-2-411
  violation, penalties, 75-2-412
Penalties
  civil, 75-2-413
  criminal, 75-2-412
  noncompliance, See **Noncompliance penalties**
Permits, 75-2-204, 75-2-211
  facility siting act, application under, See **FACILITY SITING**, **Air and water quality**
  fees, 75-2-211
    schedule, 75-2-111
Policy of state, 75-2-102
Prevention, abatement, and control of pollution
  emissions, See **Emissions**
  energy emergencies, suspension of controls, 90-4-310
  local programs, See **Control programs**
  orders for, 75-2-401
  plan for, 50-70-105, 75-2-112
  statewide program, 75-2-102
  studies and investigations, 75-2-112
  workplace, in, 50-70-105, See **LABOR AND EMPLOYMENT**, **Health safeguards**
Purpose of provisions, 75-2-102
Records
  advisory council, 75-2-122, 75-2-123
  air contaminant sources, confidentiality when, 75-2-105
  emissions, concerning, 75-2-111
Regional control programs, See **Control programs**, generally
Renewable resource, protection of air as, 90-2-101, See **RENEWABLE RESOURCE DEVELOPMENT**, generally
Research, 75-2-112
Resource indemnity trust tax to protect, See **TAXATION**, **Resource indemnity trust tax**
Sampling, 75-2-112
Services concerning, 75-2-112
Short title, 75-2-101
Smoke abatement, local control, Title 7, chapter 31, part 1
Smoking areas in public places, designation, See **PUBLIC ACCOMMODATIONS**
Standards
  ambient air quality, 75-2-202
  noncompliance penalty, effect on, 75-2-428
Studies, 75-2-112
Summaries, publication, 75-2-105
Taxation for, See **TAXATION**, **Air pollution control equipment**; **Resource indemnity trust tax**
Training programs, 75-2-112
Use of air contaminant devices, See **Facility construction, installation, alteration, or use**
Variances, 75-2-212
Violations
  hearings, 75-2-401
  orders for correction, 75-2-401
  penalties
    civil, 75-2-413
    criminal, 75-2-412
  warnings, 75-2-401

AIR QUALITY (Continued)

Waste management, See **SOLID WASTE MANAGEMENT**
Workplace, in, See **LABOR AND EMPLOYMENT, Health safeguards**

AIR RAIDS

See **EMERGENCIES AND EMERGENCY POWERS**, generally

AIR TRAFFIC CONTROL TOWER OPERATORS

See **AIRPORTS AND LANDING FIELDS, Licensing**

ALCOHOL ABUSE

See also **INTOXICATION**

Acupuncturists, by — effect, 37-13-311
Administration of programs, Title 53, chapter 24, part 2
Alcoholic beverages, selling or providing to intoxicated persons prohibited, 16-3-301, 16-6-304
Barbershop owners or barber school or college operators, by — effect, 37-30-425
Chiropractors, by — effect, 37-12-321
Commitment, Title 53, chapter 24, part 3
Cosmetologists, by — effect, 37-12-331
Disability insurers, liability regarding insured, 33-22-231
Drivers' license restrictions, 61-5-105
Driving while under the influence of alcohol or drugs, See **DRIVING AND DRIVERS**
Galen State Hospital, as treatment center, 53-6-304, See **GALEN STATE HOSPITAL**
General provisions, Title 53, chapter 24, part 1
Institutions, Department of — powers and duties, Title 53, chapter 24, part 2
Instruction concerning, See **UNIVERSITY SYSTEM, Drug and alcohol abuse instruction**
Insurance coverage for, See **INSURANCE — DISABILITY, Mental illness, alcoholism, and drug addiction — coverage for**
Minors
  consent for treatment, 41-1-402
  treatment information, release, 41-1-403
  violations, jurisdiction of courts, 41-5-203
  "youth in need of supervision" defined, 41-5-103, See also **YOUTH COURT**, generally
Nurses, by — effect, 37-8-441
Parent-child legal relationship termination, criteria, 41-3-609
Pharmacists, by — effect, 37-7-311
Physical therapists, by — effect, 37-11-321
Physicians, by — effect, 37-3-322
Podiatrists, by — effect, 37-6-311
Prevention generally, Title 53, chapter 24, part 1
Psychologists, by — effect, 37-17-311
Radiologic technologists, by — effect, 37-14-302, 37-14-321
Rehabilitation, See **Treatment and rehabilitation**
Selling or providing alcohol to intoxicated persons prohibited, 16-3-301, 16-6-304
Tax revenues for programs, 16-1-404, 16-1-408, 16-1-411, 53-24-108
Teacher instruction, See **UNIVERSITY SYSTEM, Drug and alcohol abuse instruction**
Treatment and rehabilitation
  convicted drivers, attendance, 61-8-714, 61-11-101
  generally, Title 53, chapter 24, part 3
  insurance coverage for, See **INSURANCE — DISABILITY, Mental illness, alcoholism, and drug addiction — coverage for**
Veterans, bar to admittance to veterans' home, 10-2-403
Veterinarians, by — effect, 37-18-311

ALCOHOL AND DRUG DEPENDENCE

See **ALCOHOL ABUSE; DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Abuse of; INTOXICATION**

ALCOHOL FUELS

See **TAXATION, Gasoline and vehicle fuels**, gasohol

ALCOHOLIC BEVERAGES

Abuse of, See **ALCOHOL ABUSE**
Administration of Montana Alcoholic Beverage Code, 16-1-301
Advertising
  beer, restrictions
    brewers and retailers, 16-3-244
    brewers and wholesalers, 16-3-241
  restrictions and exemptions, 16-3-103
Age restrictions
  misrepresentation of age, 16-3-301, 16-6-305
  placard of, posting mandatory, 16-3-301
Airlines, See **Carriers**
Airports, See **Licenses and licensing**
Alcoholism, See **ALCOHOL ABUSE**
All-beverages licenses, See **Licenses and licensing**
"Barrel" defined, 30-12-101
Bars, See **Retail establishments**, generally
Beer, brewers, See also **Beer, brewers and wholesalers**
  advertising restrictions, 16-3-244
  defined, 16-1-106
  inspection of books and premises, 16-3-211
  investigations, 16-4-406
  licenses, See **Licenses and licensing**
  lien upon property when, 16-1-409
  location, city regulation, 7-21-4204
  policy of state, 16-1-201
  prohibited acts, exceptions, 16-3-213, 16-3-221
  reports required, 16-3-211
  retail sales prohibited when, 16-3-213
  sales
    allowed when, 16-3-214
    prohibited when, 16-3-213
  search and seizure, See **Search and seizure**
  storage depots, 16-4-102
    defined, 16-1-106
  tax returns and payment, penalty for failure to make, 16-1-407, 16-1-409
  wholesalers, sales to, 16-3-212
Beer, brewers and wholesalers, See also **Beer, brewers**
  carriers, purchasing requirements, 16-3-104
  contracts, agreements, and franchises
    evidence of relationship, 16-3-224
    filing, 16-3-226
    injunction when, 16-3-225
    mandatory provisions, 16-3-221, 16-3-222
  credit limitations to retail licensees, 16-3-243
  fixtures or advertising furnished by, restrictions, 16-3-241
  licenses, See **Licenses and licensing**
  retailers
    financial interest in, prohibited, 16-3-242
    sales to, 16-3-301
  transfer of wholesaler's interest, 16-3-223
Beer, generally
  advertising restrictions, 16-3-241

ALCOHOLIC BEVERAGES (Continued)

Beer, generally (Continued)
- alcoholic content
  - analyzed when, 16-3-211, 16-3-231, 16-4-104
  - restrictions, subject to, 16-3-201
- carriers, See **Carriers**
- defined, 16-1-106
- licenses, See **Licenses and licensing**
- liquor, defined as — when, 16-1-102
- local ordinances respecting, 16-1-205, 16-4-405
- manufacture, sale, or possession — regulations, 16-1-102, 16-3-201
- policy of state, 16-1-102
- sales
  - policy of state, 16-1-102
  - prohibited when, 16-3-202
  - solicitation, restrictions, 16-3-103
- taxation, See **TAXATION**
- transporting, 16-1-102, 16-3-106

Beer, imported
- carriers' reports, 16-3-235
- confiscation when, 16-6-104
- license to import, See **Licenses and licensing**
- tax on, 16-1-406, See also **TAXATION**
- wholesalers, consignment to, 16-3-230

Beer, retailers, See also **Retail establishments**
- advertising restrictions, 16-3-103, 16-3-244
- age, misrepresentation by persons unlawful, 16-3-301, 16-6-305
- brewers and wholesalers
  - financial interest by, prohibited, 16-3-242
  - fixtures or advertising furnished by, restrictions, 16-3-241
  - purchases from, 16-3-301
- city ordinances, 16-4-405
- consumption, on or off premise, 16-3-302, 16-3-303
  - local ordinances, 16-1-205
- credit limitations, 16-3-243
- equipment, draft beer — maintenance, 16-3-241
- inspections when, 16-4-104, 16-4-406, 16-6-103
- intoxicated persons, selling or providing beer to — unlawful, 16-3-301, 16-6-304
- licenses, See **Licenses and licensing**
- local ordinances, 16-1-205, 16-4-405
- minors — selling or providing beer to, unlawful, 16-3-301, 16-6-305
- placard stating age restrictions, posting mandatory, 16-3-301
- purchasing requirements, 16-3-301
- sales unlawful when, 16-3-301
- search and seizure, See **Search and seizure**
- signs, advertising — restrictions, 16-3-241, 16-3-244
- violation of alcoholic beverage code, penalty, 16-6-314

Beer, wholesalers, See also **Beer, brewers and wholesalers**
- consumption on premises unlawful, 16-3-234
- imported beer, consignment, 16-3-230
- inspections when, 16-3-230, 16-3-231, 16-4-406
- licenses, See **Licenses and licensing**
- lien upon property when, 16-1-409
- purchases from brewers, 16-3-212
- records, 16-3-230
- reports required, 16-3-231
- sales
  - lawful when, 16-3-232
  - unlawful when, 16-3-233
- search and seizure, See **Search and seizure**
- subwarehouses, 16-4-103
- tax returns and payment, penalty for failure to make, 16-1-406, 16-1-409
- warehouses, See **Warehouses**

ALCOHOLIC BEVERAGES (Continued)

Bottle clubs prohibited, 16-6-306
Bottlers, See **Rectifiers**
Bottles, refilling prohibited, 16-3-308
Bribe, as, 13-35-214, 13-35-215
Bulk sales, discounts when, 16-2-201
Bus depots, restrictions, 16-3-305
Canvassing of sales unlawful when, 16-3-103
Carriers
  beer
    imported, reports respecting, 16-3-235
    purchasing requirements, 16-3-104
    transporting, 16-1-102
  excise tax on liquor, See **TAXATION**, **Liquor**
  inspections when, 16-6-103, 16-6-108, 16-6-109
  markup, payment and report, 16-1-402, 16-1-403
  opening during transit unlawful, 16-3-106
  passenger carriers
    inspections when, 16-6-103
    licenses to sell beverages, 16-4-302, 16-4-501
  records, 16-6-108, 16-6-109
  table wine
    reports, 16-3-405
    sales to, 16-3-403
  transporting beverages, 16-1-102, 16-1-303, 16-3-106
Case lot sales, discounts when, 16-2-201
Catering endorsement for licenses, 16-4-204, See also **Licenses and licensing**
Chapters of Montana Alcoholic Beverage Code, enumeration, 16-1-105
Churches, proximity of retail establishments restricted, 16-3-306
Citation of Montana Alcoholic Beverage Code, 16-1-101
Cities and towns
  all-beverages licenses, limitations and exceptions — quota system, 16-4-201
  beer tax, disposition of revenue, 16-1-410
  hours of business for retail establishments, restrictions, 16-3-304
  licenses, ordinances to restrict issuance prohibited, 16-3-309, 16-4-405
  liquor license tax revenue, disposition and use, 16-1-404, 16-1-405
  local licenses and fees, provisions for, 16-4-503
  retail beer or wine licenses, limitations and exceptions — quota system, 16-4-105
  sales, ordinances to prohibit, 16-3-309, 16-4-405
Code, Montana Alcoholic Beverage
  administration, 16-1-301
  chapters, enumeration, 16-1-105
  citation, 16-1-101
  construction, 16-1-101, 16-1-104
  definitions, 16-1-106
  enforcement, See **Enforcement**
  exemptions, 16-1-201 — 16-1-203
  scope, 16-1-201 — 16-1-205, 16-3-101
  violations generally, 16-6-314
Confiscation, See **Search and seizure**
Construction of Montana Alcoholic Beverage Code, 16-1-101, 16-1-104
Consumption
  county option regarding, 16-1-205
  hotels, restrictions, 16-3-105
  minors, by, 16-6-305, 16-6-314
  off premise
    license and fee, 16-3-310, 16-4-105, 16-4-501
      requirements generally, 16-4-401
    retailers, 16-3-303
  on premise
    drug stores, prohibited, 16-6-307
    licensing requirements generally, 16-4-401
    retailers, 16-3-302

ALCOHOLIC BEVERAGES (Continued)

Consumption (Continued)
    on premise (Continued)
        state liquor stores, prohibited, 16-2-107
        table wine distributors, prohibited, 16-3-403
        wholesaler's, unlawful, 16-3-234
        wine amendment license, 16-4-105
Containers
    "barrel" defined, 30-12-101
    bottles, refilling prohibited, 16-3-308
    detachable openings prohibited, 75-10-302
    opening during transit unlawful, 16-3-106
    opening on premises prohibited when, 16-2-102
    "package" defined, 16-1-106
    packaging, how determined, 16-1-302
    pull-tabs prohibited, 75-10-302
    seal requirements, 16-1-303, 16-2-102, 16-3-102
        lack of seal, effect, 16-6-106
Control, generally, Title 16, chapter 3
Counties
    dry counties, elector's right to determine, 16-1-205
    licenses
        all-beverages, limitations and exceptions — quota system, 16-4-201
        local, provisions for and fees, 16-4-503
        retail beer, limitations and exceptions — quota system, 16-4-105
    liquor license tax revenue, disposition and use, 16-1-404, 16-1-405
    sales or consumption, option to prohibit, 16-1-205
Court actions, See **Prosecution of offenses**
Crimes, See **Offenses**
Credit limitations, 16-2-106, 16-2-203, 16-3-243
Cross-pouring prohibited, 16-3-308
Definitions
    barrel, 30-12-101
    bottle club, 16-6-306
    generally, 16-1-106
    intoxicating substance, 45-2-101
    natural person, 16-4-204
    posted price, 16-1-106
    resort area, 16-4-202
Dentists, alcohol and related substances administered by, 16-1-203, 16-6-305
Discount for quantity sales when, 16-2-201
Distillers
    location, city regulation, 7-21-4204
    markup on Montana produced liquor, 16-2-202
    policy of state, 16-1-201
    samples for testing, 16-1-304
    scope of alcoholic beverage code, 16-3-101
Distribution
    beer, policy of state, 16-1-102
    liquor, how controlled, 16-1-101, 16-1-103, 16-1-104, 16-3-101
    table wines, 16-4-107
Driving while under the influence of alcohol or drugs, See **DRIVING AND DRIVERS**
Drugs
    applicability of laws, 50-32-104
    label to state alcohol content, 50-31-306
    restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
Drugstores, See **Pharmacies**
Elections, influencing voter with unlawful, 13-35-214, 13-35-215
Employees of liquor division, See **Revenue, Department of**, liquor division
Enforcement
    carriers' records, inspection when, 16-6-108, 16-6-109
    civil penalty, 16-4-406

ALCOHOLIC BEVERAGES (Continued)

Enforcement (Continued)
  confiscation, See **Search and seizure**
  generally, Title 16, chapter 6
  license revocation or suspension when, 16-4-406
  local, revenue for, 16-1-405, 16-1-410
  prosecution, See **Prosecution of offenses**
Excise tax on, See **TAXATION, Liquor**
Federal laws, applicability, 16-1-106, 16-1-201, 16-1-202, 16-4-407
Fees
  city and county license fees, 16-4-503
  disposition, 15-1-501, 16-1-306
  licenses and permits, 16-4-301, 16-4-501
Food, Drug, and Cosmetic Act — applicability of laws, 50-31-103
Fraternal organizations, See **Licenses and licensing**
Grocery stores
  beer or wine license and fee, 16-4-105, 16-4-501
  minor delivery persons exempt from criminal possession, 45-5-624
Holidays, operation of state liquor stores on, 16-2-104
Hospitals and related facilities
  liquor administered to patients, unlawful when, 16-6-309
  liquor, restrictions on use, 16-1-204
Hotels, restrictions, 16-3-105, 16-3-305
Hours of business
  retail establishments, 16-3-304, 16-3-305
  state liquor stores, 16-1-303, 16-2-104
Identification cards, false procurement or alteration, 16-6-305
Illegal beverages, See **Search and seizure**
Importation
  liquor, limitations, 16-1-104, 16-1-201, 16-6-301
  table wines, 16-3-402, 16-4-107
Imported beer, See **Beer, imported**
Injunctions
  franchise cancellation, to prevent, 16-3-225
  nuisance abatement, 16-6-313
Inspections
  beer, brewers, 16-3-211
  beer, wholesalers, 16-3-230, 16-3-231
  common carriers, 16-6-103, 16-6-104, 16-6-108, 16-6-109
  generally, 16-1-303
  passenger carriers, 16-6-103
  retail licensees, 16-4-104, 16-6-103
  table wine distributors, 16-3-402, 16-3-404
Institutions, See **Hospitals and related facilities**
Intoxicated persons, See **ALCOHOL ABUSE; INTOXICATION**
"Intoxicating substance" defined, 45-2-101
Investigators and prosecuting officers, 16-6-101 — 16-6-106
Licenses and licensing
  airport all-beverages licenses, 16-4-208, 16-4-501
  all-beverages licenses
    airports, 16-4-208, 16-4-501
    application notices, form and procedures, 16-4-207
    catering endorsement, 16-4-204
    city and county, 16-4-503
    contents, 16-4-204
    criteria for issuance, 16-3-306
    denial, 16-4-405
    display, 16-4-204
    expiration, 16-4-204
    fees, 16-4-501
    fraternal organizations, 16-4-201, 16-4-301, 16-4-501
    inheritance provisions, 16-4-204
    issuance, criteria for, 16-3-306

ALCOHOLIC BEVERAGES (Continued)

Licenses and licensing (Continued)
- all-beverages licenses (Continued)
  - lapse when, 16-3-310
  - limitations, 16-4-201
  - "natural person" defined, 16-4-204
  - number issued, limitations, 16-4-201, 16-4-205
  - original, 16-4-203, 16-4-501
  - privilege, issuance as, 16-4-204
  - quota system, 16-4-201, 16-4-204, 16-4-501
  - renewal, 16-4-201
  - special permits, 16-4-301, 16-4-501
  - transfer, 16-4-204, 16-4-207
  - veterans organizations, 16-4-201, 16-4-301, 16-4-501
- applicants, generally
  - fingerprints required when, 16-4-403
  - qualifications, 16-4-401
- applications, generally
  - criteria concerning, 16-4-401, See also specific license
  - discrimination in issuance prohibited, 49-3-204
  - investigation, 16-4-402
- beer and wine, 16-4-105, 16-4-501
- beer, brewers
  - application, 16-4-101
  - display, 16-4-101
  - fees, 16-4-101, 16-4-102, 16-4-501
  - revocation when, 16-3-243
  - storage depots, 16-4-102, 16-4-501
  - suspension when, 16-3-243
  - transfer, 16-4-106
- beer, generally — application and fee for manufacture, import, or sale, 16-4-101
- beer, imported — license to import, 16-4-101
- beer, retail sales
  - application, 16-4-101, 16-4-104
  - city and county, 16-4-503
  - criteria for issuance, 16-3-306
  - denial when, 16-4-405
  - display, 16-4-101, 16-4-104
  - fees, 16-4-101, 16-4-104, 16-4-105, 16-4-501
  - fraternal organizations, 16-4-105, 16-4-301, 16-4-501
  - grocery stores, 16-4-105, 16-4-501
  - issuance, criteria for, 16-3-306
  - lapse provision, 16-3-310
  - limitations, 16-4-105
  - number issued, limitations, 16-4-105
  - off premise consumption, 16-3-310, 16-4-105, 16-4-501
  - passenger carriers, 16-4-302, 16-4-501
  - pharmacies, 16-4-104, 16-4-105, 16-4-501
  - quota system, 16-4-105, 16-4-501
  - renewal, 16-4-105
  - revocation when, 16-3-243, 16-4-105, 16-6-314
  - special permits, 16-4-301, 16-4-501
  - suspension when, 16-3-243, 16-4-105
  - transfer, 16-4-106
  - veterans organizations, 16-4-105, 16-4-301, 16-4-501
  - wine license amendment, fee, 16-4-105, 16-4-501
- beer, wholesalers
  - application, 16-4-101, 16-4-103
  - display, 16-4-101, 16-4-103
  - fees, 16-4-101, 16-4-103, 16-4-501
  - requirements, 16-4-103
  - revocation when, 16-3-243
  - subwarehouses, limitations, 16-4-103

ALCOHOLIC BEVERAGES (Continued)

Licenses and licensing (Continued)
- beer, wholesalers (Continued)
  - suspension when, 16-3-243
  - transfer, 16-4-106
- business in name of licensee, 16-4-205
- catering endorsement, 16-4-204
- census, basis for determination of quotas, 16-4-502
- city and county licenses, 16-4-410, 16-4-503
- criteria for licensing, generally, Title 16, chapter 4, part 3
- discrimination in issuance prohibited, 49-3-204
- display, 16-4-101, 16-4-103, 16-4-104, 16-4-108, 16-4-204
- expiration, 16-4-108, 16-4-407
- federal laws, applicability, 16-4-407
- fees, 16-4-101 — 16-4-105, 16-4-108, 16-4-202, 16-4-301, 16-4-501, 16-4-503
  - prescribing, generally, 16-1-303
- filing and verification, 16-4-402
- fraternal organizations
  - all-beverages licenses, 16-4-201, 16-4-301, 16-4-501
  - beer licenses, 16-4-105, 16-4-301, 16-4-501
  - location of building, 16-3-306
  - special permits, 16-4-301, 16-4-501
  - table wine licenses, 16-4-301, 16-4-501
- gambling licenses, 23-5-321, 23-5-322, 23-5-421, 23-5-422
- generally, Title 16, chapter 4
- grocery stores, beer or wine license, 16-4-105, 16-4-501
- inheritance provisions, 16-4-204
- issuance
  - appeals regarding, 16-4-411
  - generally, 16-1-103, 16-1-303
  - protest period, 16-4-404
- lapse provision, 16-3-310
- licensees, generally
  - business in name of, 16-4-205
  - fingerprints required when, 16-4-403
  - investigation when, 16-4-406
- lien, subject to — when, 16-4-204, 16-4-403
- local
  - licenses and fees, 16-4-503
  - ordinances to restrict number issued, 16-3-309, 16-4-405
- mileage distances
  - determination, 16-4-409
  - effect on licenses, 16-4-410
- mortgage, subject to — when, 16-4-204, 16-4-403
- number issued, local ordinances concerning, 16-3-309
- passenger carrier licenses, fees, 16-4-302, 16-4-501
- penalty for false statements, 16-4-402
- pharmacies, 16-4-104, 16-4-105, 16-4-501
- privilege, issuance as, 16-4-401
- protest period, 16-4-404
- public airport all-beverages license, 16-4-208, 16-4-501
- public convenience and necessity, 16-4-105, 16-4-202 — 16-4-204, 16-4-208
- qualifications for, 16-1-303
- quota system, 16-4-105, 16-4-201, 16-4-204, 16-4-501, 16-4-502
- renewal, 16-3-306, 16-4-105, 16-4-201, 16-4-408
  - denial when, 16-4-406
- resort retail liquor licenses
  - contents, 16-4-204
  - criteria for issuance, 16-4-202
  - display, 16-4-204
  - expiration, 16-4-204
  - fee, 16-4-501
  - inheritance provisions, 16-4-204

ALCOHOLIC BEVERAGES (Continued)

Licenses and licensing (Continued)
    resort retail liquor licenses (Continued)
        issuance, criteria for, 16-4-202
        lapse when, 16-3-310
        original, 16-4-203, 16-4-501
        privilege, issuance as, 16-4-204
        "resort area" defined, 16-4-202
        sale, 16-4-202
        transfer, 16-4-202, 16-4-204
    restaurants, wine license amendment, 16-4-105, 16-4-501
    revenue, disposition, 16-2-108
    revocation, 16-4-105, 16-4-402, 16-4-406, 16-6-303, 16-6-314
        appeals regarding, 16-4-411
        renewal when, 16-4-408
    rules respecting, 16-1-303
    sales without license unlawful, penalty, 16-6-302
    special permits, 16-4-301, 16-4-501
    storage depots, 16-4-102, 16-4-501
    subwarehouses, 16-4-103, 16-4-108
    suspension, 16-4-105, 16-4-406
        appeals regarding, 16-4-411
        renewal when, 16-4-408
    table wine distributors
        general provisions, 16-4-108
        transfer, 16-4-106
    table wine retailers
        fee, 16-4-501
        general provisions, 16-4-105
        transfer, 16-4-106
    table wine, special permits, 16-4-301, 16-4-501
    transfer, 16-4-106, 16-4-202, 16-4-204, 16-4-207
        appeals regarding, 16-4-411
    veterans organizations
        all-beverages licenses, 16-4-201, 16-4-301, 16-4-501
        beer licenses, 16-4-105, 16-4-301, 16-4-501
        special permits, 16-4-301, 16-4-501
        table wine licenses, 16-4-301, 16-4-501
    violations, penalty for, 16-4-406
    wine license amendment and fee, 16-4-105, 16-4-501
Liquor
    defined, 16-1-102, 16-1-106
    division, See **Revenue, Department of**, generally
    sales, policy of state, 16-1-103
    stores, See **Retail establishments**, generally; **State liquor stores**
    taxation, See **TAXATION**
Local government, See **Cities and towns**; **Counties**
Manufacture of, See also **Beer, brewers**; **Distillers**; **Rectifiers**
    beer, policy of state, 16-1-102
    liquor, policy of state, 16-1-101, 16-1-201
    Montana produced liquor, 16-2-202
    scope of alcoholic beverage code, 16-3-101
Markup on liquor
    carriers, 16-1-402, 16-1-403
    Montana produced liquor, 16-2-202
    retail selling price, inclusion, 16-1-404
Medical professions exempt, 16-1-203, 16-6-305
Medicines, restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
Minors
    consumption by, 16-6-305, 16-6-314
    misrepresentation of age unlawful, penalty, 16-3-301, 16-6-305, 16-6-314
    possession unlawful, penalty, 16-3-301, 16-6-314, 45-5-624

ALCOHOLIC BEVERAGES (Continued)

Minors (Continued)
  selling or providing alcohol to, prohibited when, 16-3-301, 16-6-305, 16-6-314, 45-5-622, 45-5-623
  violation of alcoholic beverage code, penalties, 16-6-314
    jurisdiction of courts, 41-5-203
  "youth in need of supervision" defined, 41-5-103, See also **YOUTH COURT**, generally
Misrepresentation of age unlawful, 16-3-301, 16-6-305
Monopoly, state liquor, 16-1-101, 16-1-103, 16-1-104
Montana Alcoholic Beverage Code, See **Code, Montana Alcoholic Beverage**
Nuisance, public — defined, penalties, and abatement, 16-6-312, 16-6-313
Offenses
  beer tax, nonpayment by brewers and wholesalers, 16-1-409
  bottle clubs, operation of, 16-6-306
  carriers, refusal to allow inspection of records, 16-6-109
  consumption on druggists' premises, 16-6-307
  corporation offenses, liability, 16-6-310
  druggists' premises, consumption on, 16-6-307
  elections, influencing voter with unlawful, 13-35-214, 13-35-215
  identification cards, false procurement or alteration, 16-6-305
  institutional inmates or patients, distribution to, 53-1-103
  intoxicated persons, selling or giving alcohol to, 16-6-304
  license applications, false statements therein, 16-4-402
  licensees
    liquor not purchased from state store, 16-6-303
    sales of liquor not purchased from state stores, 16-6-303
    violations of alcoholic beverage code, 16-4-406, 16-6-314
  liquor administered to hospital patients, when, 16-6-309
  minors
    consumption by, 16-6-305, 16-6-314
    misrepresentation of age, 16-3-301, 16-6-305
    possession by, 45-5-624
    selling to or giving to, 16-6-305, 16-6-314, 45-5-622, 45-5-623
  misrepresentation of age, 16-3-301, 16-6-305
  nuisance, public — person who maintains, 16-6-312
  parties to, liability, 16-6-310, 16-6-311
  patent medicines, sale when, 16-6-308
  possession by persons under 19 years of age, 45-5-624
  prosecution, See **Prosecution of offenses**
  sales
    liquor not purchased from state store, 16-6-303
    without license, 16-6-302
  selling or giving to persons under 19 years of age, 45-5-623
  violations of alcoholic beverage code, generally, 16-6-314
Open containers unlawful, when, 16-2-102, 16-3-106
Out-of-state purchases, limitations, 16-6-301
Packaging, See **Containers**
Passenger carriers, See **Carriers**
Patent medicines, restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
Pharmaceutical compounds, restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
Pharmacies
  beer or wine sales, retail licenses for, 16-4-104, 16-4-105, 16-4-501
  consumption on premises prohibited, 16-6-307
  drugs and medicines, restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
  patent medicines, restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
  pharmaceutical compounds, restrictions, 16-1-202, 16-6-301, 16-6-305, 16-6-308
  sale of compounds containing alcohol, 16-1-203
  seal on containers not required when, 16-3-102
Physicians, alcohol or related substances administered by, 16-1-203, 16-6-305
Placard stating age restrictions, posting mandatory, 16-3-301
Podiatrists, selling or giving away for illegal purposes, 37-6-311
Policy of state, 16-1-101 — 16-1-103, 16-3-401

ALCOHOLIC BEVERAGES (Continued)

Possession
- beer, policy of state, 16-1-102
- minors, unlawful, 16-6-314
- seal, without — unlawful when, 16-3-102
- unlawful when, 16-6-301, 16-6-314

Premises, proximity to churches and schools restricted, 16-3-306

Price of liquor
- discounts when, 16-2-201
- fixing, 16-1-303, 16-2-101
- markup on Montana produced liquor, 16-2-202
- posted price
  - defined, 16-1-106
  - sales at less than, unlawful, 16-3-307
- retail selling price, computation, 16-1-404, 16-2-202
- state liquor stores, 16-2-101

Prosecution of offenses
- action commenced when, 16-6-106
- analyst's report or certificate, 16-6-207
- appeal procedures, 16-6-202
- courts
  - inferences of fact, 16-6-208, 16-6-209
  - jurisdiction, 16-6-106, 16-6-201
- description of offenses, 16-6-203, 16-6-204
- evidence, 16-6-106, 16-6-205, 16-6-206
  - analyst's report, 16-6-207
  - circumstantial, when, 16-6-205
  - inference of fact from, 16-6-209
- investigators and prosecuting officers, 16-6-101 — 16-6-106
- search and seizure, See **Search and seizure**
- violations, proof of, 16-6-206

Purpose of Montana Alcoholic Beverage Code, 16-1-104

Quantity sales, discounts when, 16-2-201

Quota system, See **Licenses and licensing**

Railroads, See **Carriers**

Rectifiers
- markup on Montana produced liquor, 16-2-202
- policy of state, 16-1-201
- samples for testing, 16-1-304
- scope of alcoholic beverage code, 16-3-101

Refilling bottles prohibited, 16-3-308

Resort retail liquor licenses, See **Licenses and licensing**

Restaurants
- restrictions, 16-3-305, 16-3-306
- wine license amendment, 16-4-105, 16-4-501

Retail establishments, See also **Beer, retailers**
- advertising restrictions, 16-3-103, 16-3-241, 16-3-244
- age, misrepresentation unlawful, 16-3-301, 16-6-305
- bottles, refilling prohibited, 16-3-308
- churches, proximity to, 16-3-306
- consumption, on or off premise, 16-3-302, 16-3-303
- credit limitations, 16-2-106, 16-2-203
- discriminatory practices prohibited, See **DISCRIMINATION**, generally
- employees' wage protection, See **WAGES, Restaurants and bars**
- fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
- gambling licenses, 23-5-102, 23-5-321, 23-5-322, 23-5-421, 23-5-422
- hours of business, 16-3-304, 16-3-305
- inspections when, 16-1-303, 16-4-104, 16-4-406, 16-6-103, See also **HEALTH, Food establishments**
- intoxicated persons, selling or providing alcohol to — unlawful, 16-3-301, 16-6-304
- invoice procedures at state liquor stores, 16-2-103
- licenses, See **Licenses and licensing; HEALTH, Food establishments**

ALCOHOLIC BEVERAGES (Continued)

Retail establishments (Continued)
- liquor sales, state policy, 16-1-103
- local ordinances respecting, 16-1-205, 16-3-309, 16-4-405
- local restrictions, 16-3-304
- location restricted when, 16-3-306
- minors, selling or providing alcohol to — unlawful, 16-3-301, 16-6-305
- placard stating age restrictions, posting mandatory, 16-3-301
- proximity to churches and schools restricted, 16-3-306
- purchases
  - liquor at posted price, 16-2-203
  - state liquor stores
    - invoice procedures, 16-2-103
    - sale of liquor not purchased from — unlawful, penalty, 16-6-303
- regulation of, 16-1-303
- sales
  - prohibited when, 16-3-309
  - unlawful when, 16-3-307, 16-6-303
- schools, proximity to, 16-3-306
- search and seizure, See **Search and seizure**
- signs, advertising — restrictions, 16-3-241, 16-3-244
- smoking in, 50-40-104, 50-40-107
- table wine, state policy, 16-3-401
- taxation, See **TAXATION, Beer; Liquor; Table wine**
- violations of alcoholic beverage code, penalty, 16-6-314
- wage protection, See **WAGES, Restaurants and bars**

Revenue, Department of
- administration of alcoholic beverage code, 16-1-301
- advertising, 16-3-103
- authority, generally, Title 16, chapter 1
- beer, brewers and wholesalers
  - contracts, agreements, and franchises — filing, 16-3-226
  - taxes, nonpayment, 16-1-409
- beer, generally
  - alcoholic content analyzed when, 16-3-211, 16-3-231, 16-4-104
  - sales prohibited when, 16-3-202
- beer, brewers — inspection of and report by, 16-3-211
- beer, imported — carriers' reports, 16-3-235
- beer, wholesalers — inspection of and reports by, 16-3-230, 16-3-231
- carriers' reports, 16-3-235
- confiscation of illegal beverages, See **Search and seizure**
- defined, 16-1-106
- distraint, warrant of — issuance when, 16-1-409
- drugs prohibited by, when, 16-1-202
- duties generally, 16-1-302
- employees of liquor division, 16-1-302 — 16-1-304
- enforcement of alcoholic beverage code, Title 16, chapter 6
- expenditures, 16-1-305, 16-2-108
- general fund, deposits to, 16-1-306, 16-2-108
- inspections
  - beer, alcoholic content, 16-4-104
  - beer brewers, books and premises, 16-3-211
  - beer retailers, books and premises, 16-4-104
  - beer wholesalers, books and premises, 16-3-230, 16-3-231
  - carriers, 16-6-103
    - records, 16-6-108, 16-6-109
  - liquor purchases, records, 16-1-303
  - retail licensees
    - invoices, 16-2-103
    - premises, 16-6-103
- investigating officers employed by, 16-6-101
- licenses for sale of beverages
  - appeals from decisions regarding, 16-4-411

ALCOHOLIC BEVERAGES (Continued)

Revenue, Department of (Continued)
- licenses for sale of beverages (Continued)
  - authority, limitation, 16-3-306
  - hearings held when, 16-4-207, 16-4-208
  - issuance, generally, 16-1-103, 16-1-302, See also **Licenses and licensing**, generally
  - resort areas, procedures, 16-4-202
  - revenue, disposition, 16-2-108
  - transfer, 16-4-106, 16-4-204
- liquor, purchase or sale, 16-1-101, 16-1-103, 16-1-201, 16-1-303, 16-2-108
- mileage distances, determination, 16-4-409
- patent medicines prohibited by, when, 16-1-202
- powers and duties, generally, Title 16, chapter 1, part 3
- property and moneys, 16-1-305
- prosecuting officers employed by, 16-6-101
- records of liquor division, 16-1-304
- registration of wineries and importers, 16-4-107
- reports to liquor division, 16-1-303
- resort areas, licensing procedures, 16-4-202
- revenue, disposition, 16-1-305, 16-1-306, 16-2-108
- revolving fund, deposits to, 16-2-108
- rulemaking authority, 16-1-201, 16-1-303
- sales
  - preparations containing alcohol, prohibited when, 16-1-202
  - prohibited when, 16-2-104
- samples for testing, limitations, 16-1-304
- search and seizure by, See **Search and seizure**
- state liquor stores, See **State liquor stores**
- table wine
  - distributors, reports, 16-3-404
  - purchase or sale, 16-1-302, 16-1-303
  - registration of wineries and importers, 16-4-107
  - sales, unfair competition prohibited, 16-2-303
- taxation by, See **TAXATION**
- winery and importer registration, 16-4-107
- withdrawals from inventory prohibited, when, 16-1-304

Sales
- advertising restrictions, 16-3-103
- beer, brewers, See **Beer, brewers**
- beer, generally, See **Beer, generally**
- beer, retailers, See **Beer, retailers**
- beer, wholesalers, See **Beer, wholesalers**
- bottles, refilling prohibited, 16-3-308
- bulk, 16-2-201
- canvassing unlawful, 16-3-103
- case lots, 16-2-201
- closing hours, sales unlawful during, 16-3-304, 16-3-305
- confiscated beverages, 16-6-107
- county option regarding, 16-1-205
- credit limitation, 16-2-106
- discounts when, 16-2-201
- illegal, premises declared nuisance when, 16-6-312
- licensees, sales to, 16-2-103, 16-2-203
- licenses, without — unlawful, penalty, 16-6-302
- liquor
  - sales by licensees unlawful when, 16-3-307
  - unlawful when, 16-6-303
- local ordinances regarding, 16-1-205, 16-3-309
- policy of state, 16-1-101 — 16-1-103
- price, See **Price of liquor**
- quantity, 16-2-201
- regulation by state, 16-1-101 — 16-1-104, 16-1-201
- remuneration from seller to employee prohibited, 16-1-304

ALCOHOLIC BEVERAGES (Continued)

Sales (Continued)
  retail establishments, See **Retail establishments**
  revenue, department of — sales by, 16-1-302, 16-3-202
    employees, conflict of interest, 16-1-304
  seal requirements on packages, 16-1-303, 16-2-102, 16-3-102
  solicitation unlawful when, 16-3-103
  state liquor store sales, See **State liquor stores**
  table wine, See **Table wine**, generally
  taxation, See **TAXATION, Beer**; **Liquor**; **Table wine**
  unlawful when, 16-3-307, 16-3-308, 16-6-301, 16-6-303
  volume, 16-2-201
  warranty of merchantability, 30-2-314
  watered liquor, sale unlawful, 16-3-308
Sale, transfer, or possession unlawful when, 16-6-301
Samples for testing purposes, limitations, 16-1-304
Schools, proximity of retail establishments restricted, 16-3-306
Seal requirements for containers, 16-1-303, 16-2-102, 16-3-102, 16-6-106
Search and seizure
  conveyances, seizure and forfeiture when, 16-6-105
  disposal of forfeited beverages, 16-6-107
  force allowable when, 16-6-106
  illegal beverages
    conveyance, seizure and forfeiture when, 16-6-105
    forfeiture to state when, 16-6-104 — 16-6-107
    seal, lack of — effect, 16-6-106
    seizure when, 16-6-104 — 16-6-106
  imported beer confiscated when, 16-6-104
  licensees, retail — inspections when, 16-6-103
  table wine confiscated when, 16-3-402
  warrants issued when, 16-6-102
Signs, requirements and restrictions, 16-3-241, 16-3-244
Solicitation of sales unlawful, when, 16-1-304, 16-3-103
State liquor stores
  advertising, 16-3-103
  agency agreements, 16-2-101
  consumption on premises prohibited, 16-2-107
  containers, opening on premises forbidden, 16-2-102
  damaged or defective merchandise, disposal, 16-1-304
  defined, 16-1-106
  employees
    appointment, 16-1-302
    compensation and classification, See **PUBLIC EMPLOYEES**, **Classification**; **Compensation determination**
    conflict of interest prohibited, 16-1-304
    duties, 16-2-101
    sales restrictions, 16-2-105
  establishment, 16-1-302, 16-2-101
  holiday sales prohibited, 16-2-104
  hours of business, 16-1-303, 16-2-104, 16-2-105
  location, how determined, 16-1-302
  management and supervision, 16-1-301
  markup on Montana produced liquor, 16-2-202
  operational proceeds, disposition, 16-2-108
  prices, how fixed, 16-1-303, 16-2-101, 16-2-202, 16-2-203
  purchases not from, unlawful when, 16-6-301, 16-6-303
  regulations generally, 16-1-303
  revenue, department of — powers concerning, 16-1-301, 16-1-302, 16-2-101
  sales
    beer defined as liquor when, 16-1-102
    case lots, discount for, 16-2-201
    confiscated beverages, 16-6-107
    credit limitations, 16-2-106, 16-2-203

ALCOHOLIC BEVERAGES (Continued)

State liquor stores (Continued)
  sales (Continued)
    discounts when, 16-2-201
    invoice procedures, 16-2-103
    licensees, posted price, 16-2-203
    Montana produced liquor, markup, 16-2-202
    place and time, restrictions, 16-2-105
    policy of state, 16-1-103
    prohibited when, 16-2-104, 16-2-105
    revenue, disposition, 16-2-108
  seal requirements for container, 16-1-303, 16-2-102, 16-3-102
  table wine, 16-2-302
  transporting liquor to or from, 16-3-106
  variety of liquor for sale, how determined, 16-1-303
  withdrawal of merchandise prohibited when, 16-1-304
State warehouse, See **Warehouses**
Table wine, See also **Wine**
  alcoholic content analyzed when, 16-3-404
  defined, 16-1-106
  distributors
    beer, sale allowed when, 16-4-108
    licenses, See **Licenses and licensing**
    records, 16-3-402
    reports, 16-3-404, 16-3-405
    retailers, financial interest in — prohibited, 16-3-406
    sales to whom, 16-3-403
    tax, failure to pay, 16-1-411
  importation, 16-3-402
  importers, 16-4-107
  policy of state, 16-3-401
  prohibited acts concerning, 16-1-304
  purchase or sale, 16-1-302
  registration of wineries and importers, 16-4-107
  retailers
    distributors' financial interest in, prohibited, 16-3-406
    licenses, See **Licenses and licensing**
  retail selling price, computation, 16-2-301
  rules concerning, 16-1-303
  state distribution, 16-2-302
  taxation, See **TAXATION**
  unfair competition prohibited, 16-2-303
  wineries, 16-4-107
Taxation, See **TAXATION**, **Beer**; **Liquor**; **Table wine**
Trains, See **Carriers**
Transfer unlawful when, 16-6-301
Transporting, See **Carriers**
Veterans organizations, See **Licenses and licensing**
Veterinarians, alcohol and related substances administered by, 16-1-203
Violations, See **Offenses**; **Prosecution of offenses**
Volume sales, discounts when, 16-2-201
Warehouses
  bonded withdrawal, 30-7-201
  damaged or defective merchandise, disposal, 16-1-304
  defined, 16-1-106
  imported beer, distribution, 16-3-230
  regulations generally, 16-1-303
  subwarehouses, 16-4-103
  transporting beverages to or from, 16-3-106
  withdrawal of merchandise prohibited when, 16-1-304
Warranty of merchantability, 30-2-314
Watered liquor, prohibited, 16-3-308

ALCOHOLIC BEVERAGES (Continued)

Wine, See also **Table wine**
  amendment to beer license for retail sale, fee, 16-4-105, 16-4-501
  defined, 16-1-106
Wineries and importers, registration, 16-4-107

ALCOHOLISM

See **ALCOHOL ABUSE**; See also **INTOXICATION**

ALCOHOLISM AND INTOXICATION TREATMENT ACT, UNIFORM, Title 53, chapter 24

See **ALCOHOL ABUSE**, generally

ALDERMEN

See **CITY AND TOWN COUNCILS**

ALFALFA LEAF-CUTTING BEE ACT, Title 80, chapter 6, part 11

See **ALFALFA LEAF-CUTTING BEES**

ALFALFA LEAF-CUTTING BEE ADVISORY COMMITTEE

See **ALFALFA LEAF-CUTTING BEES**

ALFALFA LEAF-CUTTING BEES

See also **APIARIES**, generally

Administration of provisions, 80-6-1103
Advisory committee
  allocation, 2-15-3005
  appointments to, 2-15-3005
  compensation and expenses when, 2-15-3005
  composition, 2-15-3005
  defined, 80-6-1102
  duties, 80-6-1104
  term of office, 2-15-3005
Agriculture, Department of
  account, 80-6-1109
  certification, application forms, 80-6-1105
  committee, advice and review of rules, 80-6-1104
  defined, 80-6-1102
  duties generally, 80-6-1103
  fees set by, 80-6-1109
  laboratory, development, 80-6-1106
  recertification, 80-6-1105
  rules, 80-6-1103, 80-6-1108, 80-6-1109
  samples taken by, 80-6-1103, 80-6-1105
Certification
  applications, 80-6-1105
  defined, 80-6-1102
  fee, 80-6-1105
  imported bees, 80-6-1107
  recertification, 80-6-1105
  required, 80-6-1105
Citation of Alfalfa Leaf-cutting Bee Act, 80-6-1101
Definitions, 80-6-1102
Destruction, 80-6-1103

ALFALFA LEAF-CUTTING BEES (Continued)

Disinfection, 80-6-1103
Fees, 80-6-1105, 80-6-1109
Importation, 80-6-1107
Inspections, 80-6-1103, 80-6-1105
Laboratory
    authorization, 80-6-1106
    imported bees shipped to, 80-6-1107
Moving of quarantined bees or equipment, 80-6-1108
Pathogens and parasites
    defined, 80-6-1102
    inspection for, 80-6-1105
    standards, rules for, 80-6-1103
Program to be self-supporting, 80-6-1109
Quarantines, 80-6-1103, 80-6-1107, 80-6-1108
Rearing of bees, 80-6-1108
Restrictions, 80-6-1107, 80-6-1108
Samples, 80-6-1103, 80-6-1105, 80-6-1107
Short title, 80-6-1101
Standards, 80-6-1103, 80-6-1104
Violations and penalty, 80-6-1110
    quarantine ordered for, 80-6-1103
Wild trapping
    defined, 80-6-1102
    restrictions, 80-6-1108

ALFALFA SEED

    See also **AGRICULTURAL SEEDS**, generally

Administration of provisions, 80-11-304
Agriculture, Department of
    administration of provisions, 80-11-304
    assessment
        deposit, 80-11-310
        nonpayment, penalty, 80-11-312
        payment, 80-11-308
        refunds, 80-11-309
    committee costs, assessment, 80-11-310
    director
        assessment, increase, 80-11-307
        office, establishment, 80-11-304
    enforcement of provisions, 80-11-304
    inspection of records, 80-11-311
    rules, 80-11-308
Assessment
    deposit, 80-11-310
    increase, 80-11-307
    levy, 80-11-307
    nonpayment, penalty, 80-11-312
    payment, 80-11-308
    refunds, 80-11-309
Citation of Alfalfa Seed Industry Act, 80-11-301
Committee
    allocation, 2-15-3004
    appointments to, 2-15-3004
    compensation and expenses, 80-11-305
    composition, 2-15-3004
    cost of services, assessment, 80-11-310
    defined, 80-11-303
    funding, 80-11-310
    liability of state, 80-11-306
    office, 80-11-304

ALFALFA SEED (Continued)

Committee (Continued)
  powers, 80-11-304
  qualifications of members, 2-15-3004
  term of office, 2-15-3004
Contracts, 80-11-304
Dealers
  defined, 80-11-303
  records, 80-11-311
Definitions, 80-11-303
Enforcement of provisions, 80-11-304
Fines, 80-11-313
Funds, deposit and disbursement, 80-11-310
Inspection of records, 80-11-311
Leaf-cutting bees, See **ALFALFA LEAF-CUTTING BEES**
Legislative findings, 80-11-302
Montana Alfalfa Seed Committee, See **Committee**
Penalties
  assessment, nonpayment, 80-11-312
  violations, for, 80-11-313
Publicity, 80-11-304
Purpose of provisions, 80-11-302
Records of dealers, 80-11-311
Research program, 80-11-304
Sales promotion campaign, 80-11-304
Short title, 80-11-301
Violations, penalty, 80-11-313

ALFALFA SEED COMMITTEE

See **ALFALFA SEED**

ALFALFA SEED INDUSTRY ACT, Title 80, chapter 11, part 3

See **ALFALFA SEED**

ALIBI, 46-15-301

ALIENATION

See **PROPERTY**; **REAL PROPERTY**

ALIENS

See also **NONRESIDENTS**

Attorneys at law, practice in state when, 37-61-206
"Citizens" defined, 1-1-402
Concealed weapon, permit to carry prohibited, 45-8-319
Defined, 1-1-405
Engineers, licensing, 37-67-303, 37-67-312, 37-67-319
Fraternal benefit societies, See **FRATERNAL BENEFIT SOCIETIES**, **Foreign and alien societies**
Gambling — issuance of license to conduct, prohibited, 23-5-322, 23-5-422
Insurers
  domestic stock and mutual, incorporators, 33-3-201
  generally, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Alien insurers**
Landscape architects, licensing, 37-66-306
Medicine, license for practice of, See **PHYSICIANS AND SURGEONS**, **Licenses and licensing**, temporary certificates

ALIENS (Continued)

Naturalization, See **NATURALIZATION**
Physical therapists, temporary licensing, 37-11-310
Small business corporations, may not be shareholder, 15-31-201
Statutes of limitation, effect of war when party, 27-2-403
Veterinarians, consultations, 37-18-104
War, effect on statutes of limitation, 27-2-403

ALIMONY

See **DISSOLUTION OF MARRIAGE, Maintenance**

ALLEGIANCE

See **RIGHTS, Citizens**

ALLEYS

See **STREETS**, generally

ALLUVION

See **REAL PROPERTY, Watercourses**

ALTERNATIVE ENERGY

See **ENERGY**

ALTERNATIVE ENERGY ADVISORY COMMITTEE, 90-4-104

AMBULANCE SERVICES

Applicability of laws, 50-6-207
Cooperative agreements among governmental agencies, 50-6-304
Definitions, 50-6-302
Emergency medical technicians, 50-6-202, See **EMERGENCIES AND EMERGENCY POWERS**
Enforcement of provisions, 50-6-303, 50-6-313, 50-6-315
Equipment requirements, 50-6-305
Evidence, production, 50-6-314
Good Samaritan Law, applicability, 27-1-714
Health and Environmental Sciences, Board of
  evidence, production compelled, 50-6-314
  licensing, show cause hearings, 50-6-310, 50-6-312
Health and Environmental Sciences, Department of
  applicability of laws, 50-6-207
  corrections plan, approval, 50-6-309
  enforcement by, 50-6-303
  inspections by, 50-6-313
  investigations by, 50-6-313
  licensing duties, 50-6-306 — 50-6-311
  rulemaking authority, 50-6-303
  violations, evidence to county attorney, 50-6-315
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
Inspections, 50-6-313
Investigations, 50-6-313
Legislative intent, 50-6-301
Liability, 27-1-714
Licensing
  alteration, return of license to department of health and environmental sciences, 50-6-311

AMBULANCE SERVICES (Continued)

Licensing (Continued)
- application, 50-6-306
- cancellation, 50-6-306, 50-6-308 — 50-6-311
- corrections, plan of, 50-6-308, 50-6-309
- denial, 50-6-306, 50-6-310
- destruction, return of license to department of health and environmental sciences, 50-6-311
- expiration, 50-6-306
- fee, 50-6-307
- hardship exception, 50-6-312
- hearings, 50-6-306, 50-6-310, 50-6-312
- issuance, 50-6-306
- nontransferable, 50-6-306
- notice of cancellation, 50-6-310
- renewal, 50-6-306
- required, 50-6-306
- return to department of health and environmental sciences, 50-6-311
- right to license, 50-6-306
- violations, effect, 50-6-308, 50-6-309, 50-6-312

Local government provisions, Title 7, chapter 34, part 1
Military right-of-way not to interfere with, 10-1-602
Penalties, 50-6-316
Purpose of provisions, 50-6-301
Rulemaking authority, 50-6-303
Traffic regulations, See **TRAFFIC REGULATIONS, Authorized emergency vehicles**
Traffic safety program established for, See **TRAFFIC REGULATIONS, Safety program**
Training required, 50-6-305
Vehicles, See **MOTOR VEHICLE EQUIPMENT, Authorized emergency vehicles; TRAFFIC REGULATIONS, Authorized emergency vehicles**
Violations
- cancellation of license, 50-6-308
- corrections plan, 50-6-309
- hardship exception, 50-6-312
- penalties, 50-6-316
- prosecution, 50-6-315

AMETHYSTS

See generally **MINES AND MINING; STATE LANDS, Mining leases**

AMICUS CURIAE, 46-20-404; Title 25, chapter 21, M.R.App.Civ.P., Rule 24

AMPUTEES

See **HANDICAPPED PERSONS**, generally

ANATOMICAL GIFT ACT, UNIFORM, Title 72, chapter 17

See **ESTATES AND PROBATE PROCEEDINGS, Anatomical gifts**

ANATOMICAL GIFTS

See **ESTATES AND PROBATE PROCEEDINGS**

ANCIENT DOCUMENTS

See **EVIDENCE, Writings and recordings**

ANCILLARY ADMINISTRATION

See **ESTATES AND PROBATE PROCEEDINGS**

ANGLING AND ANGLERS

See **FISHING AND FISHERMEN**

ANIMAL IMPORTATION PERMIT AND HEALTH CERTIFICATE ACT OF 1981, Title 81, chapter 2, part 7

See **LIVESTOCK, Importation**

ANIMALS

See also **FISH AND WILDLIFE**, generally; **LIVESTOCK**

Abandonment, 45-8-211
Agisters' liens, See **LIENS**
Baby birds or animals, sales unlawful, 81-8-401, 81-8-402
Betting on contests or races of, unlawful when, 23-4-301
Boarding, See **BAILMENT AND BAILEES**
Bounties on, See **PREDATORS AND PREDATOR CONTROL**
Branding, See **LIVESTOCK MARKS AND BRANDS**; See also **BRANDS**, generally
Carcasses, See **DEAD ANIMALS**
Care, duty of
  borrower, by, 70-7-105
  depositary, by, 70-6-206
Casualty insurance, See **INSURANCE — CASUALTY**
Crop damage by, 87-1-225, 87-1-226, 87-1-304
Cruelty to, 7-23-4104, 45-8-211
  damages, exemplary, 27-1-222
Damage to property by, 87-1-225, 87-1-226, 87-1-304
Dead animals, See **DEAD ANIMALS**
Deposit, See **BAILMENT AND BAILEES**
Disposal plants, See **RENDERING OR DISPOSAL PLANTS**
Doctors for, See **VETERINARY MEDICINE AND VETERINARIANS**
Dogs, See **DOGS**
Drowning, notice to owner when saved, 70-5-103
Endangered, See **NONGAME AND ENDANGERED SPECIES**
Fights with, 45-8-211
Finders, notice to owner, 70-5-103
Fur-bearers, See **FISH AND WILDLIFE, Fur-bearing animals**
Game, See **FISH AND WILDLIFE**
Importation permits and health certificates, See **LIVESTOCK, Importation**
Injuring or killing
  damages, exemplary, 27-1-222
  unlawful when, 45-6-101, 45-8-211
Insurance
  floaters for, See **INSURANCE — MARINE**, generally
  loss or damage, against, See **INSURANCE — CASUALTY**, generally
Liens on, See **LIENS, Agisters' liens**
Livestock, See **LIVESTOCK**
Loan, duty of care by borrower, 70-7-105, See also **PERSONAL PROPERTY, Loan for use**
Marking, See **LIVESTOCK MARKS AND BRANDS**
Menageries, regulations for, See **ZOOS AND MENAGERIES**
Natural history objects, preservation, 22-3-107
Nongame animals, See **NONGAME AND ENDANGERED SPECIES**
Ownership, 50-23-102, 70-1-104, 70-2-111
Predatory, See **PREDATORS AND PREDATOR CONTROL**
Property damage by, 87-1-225, 87-1-226, 87-1-304
Property rights in, 50-23-102, 70-1-104, 70-2-111
Rabies control, See **FISH AND WILDLIFE**

ANIMALS (Continued)

Rendering plants, See **RENDERING OR DISPOSAL PLANTS**
Rodents, See **RODENTS AND RODENT CONTROL**
Running at large, See **LIVESTOCK**
Sales, See **SALES**
Snowmobiles, using to drive or harass animals unlawful when, 23-2-633
Starvation, notice to owner when saved, 70-5-103
Storage, See **BAILMENT AND BAILEES**
Trapping, See **TRAPPING AND TRAPPERS**
Veterinarians, See **VETERINARY MEDICINE AND VETERINARIANS**
Zoos, regulations for, See **ZOOS AND MENAGERIES**

ANNEXATION

See **CITIES AND TOWNS; COMMUNITY COLLEGE DISTRICTS; LOCAL GOVERNMENT, Boundaries; SCHOOL DISTRICTS, Elementary districts; High school districts; Voluntary consolidation and annexation incentive plan**

ANNUITIES

See specific retirement system; See also **FRATERNAL BENEFIT SOCIETIES; INSURANCE — LIFE**

ANNULMENT

See **ELECTIONS, Contest of election; MARRIAGE, Declaration of invalidity**

ANSWER

See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**

ANTELOPE

See **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**; See also generally **FISH AND WILDLIFE, Bow and arrow; Game animals**

ANTIDISCRIMINATION

See **DISCRIMINATION**, generally

ANTIQUITIES

See also **HISTORICAL SOCIETY**

Antiquities permits, See **Permits, antiquities**
Archives, See **PUBLIC RECORDS, State archives**
Commerce, Department of — designation and protection functions, 90-1-102
Cooperative agreements, 22-3-423
Definitions, 22-3-421
Easements for protection, 70-17-101, 70-17-102, See also **REAL PROPERTY, Easements**
Environmental policy, See **ENVIRONMENTAL POLICY**, generally
Evidence, as, See **EVIDENCE, Writings and recordings**, ancient documents
Grant allocations, 22-3-422
Heritage property and paleontological remains
  acquisition, 23-1-108, 87-1-209
  definitions, 22-3-421
  designation, 23-1-102
  discoveries, 22-3-435, 22-3-442, 90-1-102
  environmental review regarding, 22-3-433
  funding, 23-1-108
  identification and documentation, 22-3-423, 22-3-424, 22-3-433

ANTIQUITIES (Continued)

Heritage property and paleontological remains (Continued)
  inventories, 22-3-422, 22-3-423
  ownership, 23-1-108
  permits, See **Permits, antiquities**
  property of state, 22-3-432
  reproduction or sale, restrictions, 22-3-441, 22-3-442
  state lands, on, 22-3-424, 22-3-433, 22-3-435
Historic Preservation Office
  defined, 22-3-421
  establishment and composition, 2-15-1512
  inventory reports deposited with, 22-3-424
Historic Preservation Officer
  appointment, 2-15-1512
  defined, 22-3-421
  discoveries reported to, 22-3-435
  duties, 22-3-423
  environmental review process, 22-3-433
  register, nominations to, 22-3-431
  summary reports, submission to, 22-3-432
Historic records network, See **HISTORICAL SOCIETY**
Mining, protection from, See **MINES AND MINING**, **Reclamation and restoration**
National Register of Historic Places, See **Register**, generally
Paleontological remains, See **Heritage property and paleontological remains**
Parks, state, See **PARKS**, **State parks**
Permits, antiquities
  applications, denial when, 22-3-434
  defined, 22-3-421
  environmental review process, 22-3-433
  general provisions, 22-3-432
  violations, 22-3-442
Preservation and protection
  discoveries, report, 22-3-435, 90-1-102
  easements for, 70-17-101, 70-17-102
  environmental review process, 22-3-433
  generally, 22-3-423, 22-3-424, 23-1-106, 23-1-107, 90-1-102
  goals, recommendations, 22-3-422
  state plan, 22-3-423
Preservation Review Board
  appointment to, 2-15-1512
  compensation of members, 2-15-1512
  defined, 22-3-421
  duties, 22-3-422
  environmental review process, 22-3-433
  register, approval of nominations to, 22-3-431
  term of members, 2-15-1512
Records preservation, See **PUBLIC RECORDS**
Register
  defined, 22-3-421
  nominations to, 22-3-422, 22-3-423, 22-3-431
State agencies
  duties, 22-3-424
  environmental review, 22-3-433
  permits, consultation concerning, 22-3-432
  register, notification of nominations to, 22-3-431
State archives, See **PUBLIC RECORDS**
Veterans and Pioneers Memorial Building, See **HISTORICAL SOCIETY**
Violations and penalty, 22-3-442, 23-1-106

ANTITRUST

  See **TRADE REGULATION AND COMPETITION**

APARTMENT HOUSES
- See **HOUSING; LANDLORD AND TENANT**

APIARIES

- **Abandonment**, 80-6-104
- **Agricultural marketing associations**, See **AGRICULTURAL MARKETING ASSOCIATIONS**
- **Agriculture, Department of**
  - certificates of registration
    - general apiaries, 80-6-111
    - issuance, 80-6-102
  - colonies, transfer — order for, 80-6-201
  - defined, 80-6-101
  - equipment, disinfection ordered when, 80-6-201
  - fees, disposition, 80-6-302
  - hives, transfer — order for, 80-6-201
  - importation of used equipment or containers, notification, 80-6-202
  - industry, general duties, 80-1-102
  - inspections by, 80-6-201, 80-6-202
  - location changes, authorization, 80-6-103
  - orders, effective when, 80-6-301
  - quarantine ordered when, 80-6-201
  - registration
    - duties generally, 80-6-102
    - general apiaries, 80-6-111
    - hobbyist apiaries, 80-6-114
    - landowner apiaries, 80-6-113
    - pollination apiaries, 80-6-112
  - rules
    - effective when, 80-6-301
    - promulgation and enforcement, 80-6-201
  - seizure when, 80-6-104
- **Alfalfa leaf-cutting bees**, See **ALFALFA LEAF-CUTTING BEES**
- **Bees**
  - combless packages, importation in, 80-6-203
  - inspection, 80-6-202
- **Certificates**
  - health, 80-6-202, 80-6-203
  - inspection, 80-6-202
  - registration, See **Registration**
- **Colonies**
  - increase when, 80-6-103
  - transfer when, 80-6-201
    - penalty for violation, 80-6-303
- **Cooperative marketing**, See **AGRICULTURAL MARKETING ASSOCIATIONS**
- **Definitions**, 80-6-101
- **Enlargement**, 80-6-103, 80-6-303
- **Equipment**
  - disinfection when, 80-6-201, 80-6-303
  - quarantine when, 80-6-202
  - sale when, 80-6-104
  - used, importation, 80-6-202
- **General apiaries**
  - defined, 80-6-101
  - enlargement when, 80-6-103
  - location restrictions, 80-6-111, 80-6-115
  - registration, 80-6-111
- **Hives**, See **Colonies**
- **Hobbyist apiaries**
  - defined, 80-6-101
  - general apiaries, proximity, 80-6-111

APIARIES (Continued)

Hobbyist apiaries (Continued)
  location restrictions, 80-6-111, 80-6-115
  registration, 80-6-114
Honey, labeling, 50-30-103, 50-30-204, 50-30-502, 50-30-506, 50-30-508
Importation of bees or equipment, 80-6-202, 80-6-203
Inspections
  bees, 80-6-202
  disease, for, 80-6-201
  equipment, 80-6-202
  fees, 80-6-202, 80-6-302
Itinerant merchants, See **ITINERANT MERCHANTS**
Label, Montana quality, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS, Montana quality label**
Laborers, income tax withholding exemption, 15-30-201
Landowner apiaries
  defined, 80-6-101
  general apiaries, proximity, 80-6-111
  location restrictions, 80-6-115
  registration, 80-6-113
Leaf-cutting bees, See **ALFALFA LEAF-CUTTING BEES**
Location
  changing, 80-6-103
  general apiaries, 80-6-111, 80-6-115
  hobbyist apiaries, 80-6-111, 80-6-115
  registration, inclusion in, 80-6-102
  restrictions, 80-6-115
Marketing associations, See **AGRICULTURAL MARKETING ASSOCIATIONS**
Montana quality label, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS**
Pollination apiaries
  defined, 80-6-101
  general apiaries, proximity, 80-6-111
  location restrictions, 80-6-115
  registration, 80-6-112
Produce wholesalers, See **PRODUCE WHOLESALERS**
Quality label, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS, Montana quality label**
Quarantine when, 80-6-201, 80-6-202
  penalty for violation, 80-6-303
Registration
  certificates
    hobbyist apiaries, restrictions, 80-6-114
    issuance, 80-6-102
    landowner apiaries, restrictions, 80-6-113
    lapse when, 80-6-103
    pollination apiaries, restrictions, 80-6-112
  classes, 80-6-102
  fees, 80-6-105, 80-6-302
  forfeiture, 80-6-102, 80-6-104
  general apiaries, 80-6-111
  general provisions, 80-6-102
  hobbyist apiaries, 80-6-114
  landowner apiaries, 80-6-113
  pollination apiaries, 80-6-112
  termination of rights, 80-6-102, 80-6-104
Sale, 80-6-103, 80-6-201
Transfer, 80-6-103
Violations
  colonies, order for transfer, 80-6-201, 80-6-303
  enlargement when, 80-6-103, 80-6-303
  equipment, order for disinfection, 80-6-201, 80-6-303
  penalties, 80-6-303
  quarantine, 80-6-201, 80-6-303

APIARIES (Continued)

Violations (Continued)
    registration, failure or refusal to, 80-6-102
    rules, generally, 80-6-201, 80-6-303

APICULTURE

See **ALFALFA LEAF-CUTTING BEES**; **APIARIES**, generally

APOTHECARIES

See **PHARMACY AND PHARMACISTS**

APPEALS, ADMINISTRATIVE

Boiler engineer license rejection, 50-74-312
Building codes, 50-60-206, 50-60-303
Campgrounds, refusal of validation of license, 50-52-209
Certificate of need denials, 50-5-306
Credit unions, disapproval of additional offices, 32-3-104
Disqualification of judge when, 3-1-802
Distraint, warrant for, 15-1-705
Fire hazards — orders for removal, repair, or demolishing, 50-62-110
Food establishment license, refusal of validation, 50-50-215
Health care facilities, certificate of need denials, 50-5-306
Judge, disqualification, 3-1-802
Mining
    metal mines, permit approval extension, 82-4-337
    opencut mines, decisions of commissioner of state lands, 82-4-427
Motor vehicle franchise termination or cancellation, from hearings regarding, 61-4-206
Occupational health hearings, 50-70-111
Public contractors, decision on complaints against, 15-50-302
Public employees' retirement system, discriminatory retroactive employer contributions — from, 19-3-505
Safety hearings, rehearings, 50-71-331, See **LABOR AND EMPLOYMENT**, **Safety**
Securities registration, See **SECURITIES AND SECURITIES REGULATION**, **Hearings**
Special fuels permits
    refusal, 15-70-305
    revocation or suspension, 15-70-306
Taxes, See also **COUNTY TAX APPEAL BOARD**; **STATE TAX APPEAL BOARD**
    appraisal, 15-7-102
    assessment, 15-8-601
    classification, 15-7-102
    distraint, warrant for, 15-1-705
Toys, determination as hazardous substance, 50-30-220
Trailer courts, refusal of validation of license, 50-52-209
Unclaimed property, decision on claim — to state tax appeal board, 70-9-311

APPEALS, CIVIL

Administrative, See **APPEALS, ADMINISTRATIVE**
Adoption proceedings, 40-8-124, 40-8-127
Aeronautics, appeals from orders of Department of Commerce, 67-3-104
Affirmance of judgment by supreme court, 3-2-204; Title 25, chapter 21, M.R.App.Civ.P., Rule 12
Agreed statement of facts as record on appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
Agricultural associations, statute of limitations on appeals by, 35-16-103
Air carriers, appeal of district court judgment, 67-3-427
Air quality orders, decisions regarding, 75-2-411

APPEALS, CIVIL (Continued)

Alcoholic beverage code
  convictions or orders, appeals from, 16-6-202
  licenses, appeals from decisions concerning, 16-4-411
Amicus curiae, Title 25, chapter 21, M.R.App.Civ.P., Rule 24
Answer to motions, Title 25, chapter 21, M.R.App.Civ.P., Rule 22
Applicability of laws, See also **Rules of Appellate Civil Procedure**
  certiorari, 27-25-103
  mandamus, 27-26-103
  rules of appellate civil procedure, See **Rules of Appellate Civil Procedure**
Arbitration award, 27-5-304
Argument, See **Oral argument**
Banks and trust companies
  closed banks, appeal of claim priority from department of commerce, 32-1-532
  new bank authorization, appeal from state banking board decision, 32-1-204
Bean storage licenses
  applicants, upon refusal, 80-3-504
  suspension or revocation, from decisions concerning, 80-3-512
Birth date, upon judicial determination, 27-32-303
Briefs
  amicus curiae, of, Title 25, chapter 21, M.R.App.Civ.P., Rule 24
  appellant, of, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
  appendix to, Title 25, chapter 21, M.R.App.Civ.P., Rules 25, 27
  copies, Title 25, chapter 21, M.R.App.Civ.P., Rule 26
  costs, Title 25, chapter 21, M.R.App.Civ.P., Rule 33
  cross appeals, in, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
  filing, Title 25, chapter 21, M.R.App.Civ.P., Rules 26, 29
  findings of fact and conclusions of law, inclusion, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  form, Title 25, chapter 21, M.R.App.Civ.P., Rules 18, 27
  reading from not permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
  reply brief, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
  respondent, of, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
  service, Title 25, chapter 21, M.R.App.Civ.P., Rule 26
  submission on briefs, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
Calendar, Title 25, chapter 21, M.R.App.Civ.P., Rule 39, See also **COURT CALENDAR PRECEDENCE**
Certiorari, writ of, See **WRITS**
Change of venue, review, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
Child support enforcement hearings, from, 40-5-241
Cigarette tax provisions, concerning, 16-11-144, 16-11-150
City court, See **Limited jurisdiction, from courts of**
Claims for disbursements, unliquidated — decisions concerning, 17-8-226
Conservation district land use regulations, from variance decisions, 76-15-726, 76-15-727
Constitutional questions, Title 25, chapter 21, M.R.App.Civ.P., Rule 38
Consumer Counsel, discovery procedures — enforcement, 69-2-203
Contempt judgments, appeal prohibited, 3-1-523
Contract disputes with state, 18-1-411
Corporations, decisions of secretary of state, 35-1-1304, 35-2-1103
Cosmetologists, Board of — from actions by, 37-31-333
Costs
  bill of costs, 25-10-503
  briefs, on, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
  claiming, 25-10-503
  discretionary, 25-10-104
  filing of the record, Title 25, chapter 21, M.R.App.Civ.P., Rule 11
  generally, Title 25, chapter 21, M.R.App.Civ.P., Rule 33
  in forma pauperis, Title 25, chapter 21, M.R.App.Civ.P., Rule 18
  justice's court, 25-31-112
  limited jurisdiction, courts of, 25-33-304, 25-33-305
  notice of appeal, filing, 25-31-112
  security for, Title 25, chapter 21, M.R.App.Civ.P., Rule 6

APPEALS, CIVIL (Continued)

Costs (Continued)
  transcript
    copies, 3-2-403
    filing fee, 3-2-403, 25-31-112; Title 25, chapter 21, M.R.App.Civ.P., Rule 11
    preparation, 25-10-201; Title 25, chapter 21, M.R.App.Civ.P., Rules 9, 33
  undertaking, 25-31-112; Title 25, chapter 21, M.R.App.Civ.P., Rule 6
  u.s. supreme court, when appealed to, Title 25, chapter 21, M.R.App.Civ.P., Rule 35
  voluntary dismissal, effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 36
Counsel
  briefs
    named on, Title 25, chapter 21, M.R.App.Civ.P., Rule 27
    service upon, Title 25, chapter 21, M.R.App.Civ.P., Rule 26
  constitutional questions, notice to attorney general, Title 25, chapter 21, M.R.App.Civ.P., Rule 38
  death, Title 25, chapter 21, M.R.App.Civ.P., Rule 4
  decision, notice to, Title 25, chapter 21, M.R.App.Civ.P., Rule 35
  nonappearance, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
  notice of appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 4
  service upon, Title 25, chapter 21, M.R.App.Civ.P., Rule 20
County commissioners, board of — zoning decisions, from, 76-2-110
County planning and zoning commission decisions, from, 76-2-110
County superintendent of schools, appeals from decisions by, 20-3-107, 20-3-210, 20-5-102
County transportation committee decisions, 20-3-107, 20-10-132
County zoning board of adjustment, 76-2-223, 76-2-226, 76-2-227
Cross appeals
  argument, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
  briefs in, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
Dairy product licensees — from license denial, suspension, or revocation, 81-22-203
Damages when appeal without merit, Title 25, chapter 21, M.R.App.Civ.P., Rule 32
Death of party, Title 25, chapter 21, M.R.App.Civ.P., Rules 4, 37
Decision, notice, Title 25, chapter 21, M.R.App.Civ.P., Rule 35
Declaratory judgment, from, 27-8-312
Depositions pending appeal, Title 25, chapter 20, M.R.Civ.P., Rule 27(b)
Dismissal
  answer to motion for, Title 25, chapter 21, M.R.App.Civ.P., Rule 22
  briefs, failure to file, Title 25, chapter 21, M.R.App.Civ.P., Rule 26
  effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 12
  grounds, Title 25, chapter 21, M.R.App.Civ.P., Rules 4, 11, 26
  limited jurisdiction, courts of, 25-33-207, 25-33-304
  transmission of record, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
  voluntary, Title 25, chapter 21, M.R.App.Civ.P., Rule 36
Disqualification of judge when, 3-1-802
Dissolution of marriage decree, 40-4-108
District courts
  appeals from, See this main category generally
  appeals to, applicability of laws, 3-5-301, 3-5-303, 25-33-301, 25-34-403; Title 25, chapter 20, M.R.Civ.P., Rule 81(b); Title 25, chapter 21, M.R.App.Civ.P., Rule 42
  jurisdiction, See **DISTRICT COURT JURISDICTION, Appellate jurisdiction**
District superintendent of schools, appeals from decisions by, 20-5-102
Docketing the appeal, Title 25, chapter 21, M.R.App.Civ.P., Rules 11, 25
  justice's court, 3-10-501
Drivers' licenses — from cancellation, suspension, or revocation, 61-5-211
Elections
  ballot issue statement of purpose or implication, appeal of court decision, 13-27-316
  campaign reporting noncompliance orders, 13-37-122
  commissioner of political practices, removal, 13-37-102
Electric suppliers, from orders concerning, 69-5-111
Eminent domain, See **EMINENT DOMAIN**
Error of trial court, effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 14
Evidence
  appendix to briefs, in, Title 25, chapter 21, M.R.App.Civ.P., Rule 25
  form, Title 25, chapter 21, M.R.App.Civ.P., Rule 27

APPEALS, CIVIL (Continued)

Evidence (Continued)
  physical exhibits not documents, use, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
  statement when no report or transcript unavailable, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  transmission, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
  writings to refresh witness' memory, Title 26, chapter 10, M.R.Ev., Rule 612
Exclusive method of review, 25-12-101
  limited jurisdiction, courts of, 25-33-101
Exhibits, See **Evidence**
Facility siting
  amendments to certificate, from departmental determination, 75-20-219
  decisions, from, 75-20-406
  orders by board, limitations on stay or suspension, 75-20-410
  permit or certification denial, 75-20-406
Fees, See **Costs**
Filing
  briefs, Title 25, chapter 21, M.R.App.Civ.P., Rules 26, 29
  limited jurisdiction, court of, See **Limited jurisdiction, from courts of**
  papers, Title 25, chapter 21, M.R.App.Civ.P., Rule 20
Findings of fact and conclusions of law, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
Floodplain and floodway orders, from, 76-5-209
Forcible entry and detainer, 70-27-211, 70-27-212
Form
  appendix, Title 25, chapter 21, M.R.App.Civ.P., Rule 27
  briefs, Title 25, chapter 21, M.R.App.Civ.P., Rules 23, 27
  in forma pauperis, affidavit, Title 25, chapter 21, M.R.App.Civ.P., Appendix, Form 2
  notice of appeal, Title 25, chapter 21, M.R.App.Civ.P., Appendix, Form 1
  papers and motions, Title 25, chapter 21, M.R.App.Civ.P., Rule 27
  reference to briefs, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
Grain
  grades, concerning, 80-4-121, 80-4-228
  warehousemen or owners, from protein tests on wheat, 80-4-117
Grazing districts, procedures, 76-16-109
Guardian, reversal of appointment on appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 13
Habeas corpus, state appeal of petitioner's discharge, 46-22-307
Hail insurance appraisals, disputed, 80-2-243
Hazardous waste disposal permits, granting or denial, 75-10-407
Health care facilities
  certificate of need denials, 50-5-306
  license denial, suspension, or revocation, 50-5-208
Health service corporations, order for discontinuance of forms, 33-30-301
Highway patrolmen, disciplinary action, 44-1-901, 44-1-902
Hospitals, See **Health care facilities**
Indigent persons, See **In forma pauperis**
Inferior courts, from, See **Limited jurisdiction, from courts of**
In forma pauperis, Title 25, chapter 21, M.R.App.Civ.P., Rule 18
  affidavit form, Title 25, chapter 21, M.R.App.Civ.P., Appendix, Form 2
Injunction orders, appeal from, Title 25, chapter 20, M.R.Civ.P., Rule 62(c); Title 25, chapter 21, M.R.App.Civ.P., Rule 40
Insurance
  guaranty association members, by, 33-10-106, 33-10-228
  holding company systems — from decisions, rules, or orders concerning, 33-2-1123
  rating or advisory organizations, by, 33-16-113
Insurance, Commissioner of
  fines, from orders imposing, 33-1-317
  generally, procedures, 33-1-711
  guaranty association member insurers, by, 33-10-106, 33-10-228
  holding company systems, from actions regarding, 33-2-1123
  rating or advisory organizations, from orders concerning, 33-16-113
  unfair practices, from intervenors in actions concerning, 33-18-1003, 33-18-1004
Insurers
  farm mutual, committee of reference — from decisions by, 33-4-411

APPEALS, CIVIL (Continued)

Insurers (Continued)
  premiums owed, recovery — from actions concerning, 33-2-1362
  prohibited practices, by intervenors in actions concerning, 33-18-1003, 33-18-1004
Interest on judgment, Title 25, chapter 21, M.R.App.Civ.P., Rule 31
Investment companies, See **Banks and trust companies**
Irrigation district decrees, Title 85, chapter 7, part 22
Issues, statement in transcript, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
Joint appeals, Title 25, chapter 21, M.R.App.Civ.P., Rule 4
Judges, disqualification, 3-1-802
Judgment, appeal from, See also this main category generally
  interest when affirmed, Title 25, chapter 21, M.R.App.Civ.P., Rule 31
  scope of review permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 2
Judgment on appeal
  certification, Title 25, chapter 21, M.R.App.Civ.P., Rule 16
  entry, Title 25, chapter 21, M.R.App.Civ.P., Rules 16, 30
  limited jurisdiction, courts of, See **Limited jurisdiction, from courts of**
  notice, Title 25, chapter 21, M.R.App.Civ.P., Rule 30
  rehearing, petition not permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 34
Jurisdiction
  district court, 3-5-301, 3-5-303, 3-11-301, 25-35-803, See also **DISTRICT COURT JURISDICTION**
  justices' courts, 3-5-303, 25-35-803
  supreme court, 3-2-201 — 3-2-205, See also **SUPREME COURT**
  surety, Title 25, chapter 21, M.R.App.Civ.P., Rule 8
Justices' courts, See **Limited jurisdiction, from courts of**; **JUSTICES' COURTS**
Juvenile court proceedings, appeals from, 41-5-532
Legal separation decree, 40-4-108
Limited jurisdiction, from courts of
  applicability of laws
    civil procedure, 25-33-301
    judgments, 25-33-306
    rules of appellate civil procedure, Title 25, chapter 21, M.R.App.Civ.P., Rule 42
    small claims court, 25-34-403, 25-35-605
  attorneys' fees, 25-35-806
  city attorney to prosecute, 3-11-301
  city court, from, 3-5-303, 3-11-301
  clerk of the district court, duties, See **CLERK OF THE DISTRICT COURT**, **Appeals to district court**
  costs, 25-33-304, 25-33-305
  default judgment, no appeal, 25-33-303
  delay, 25-33-304
  dismissal
    delay, for, 25-33-304
    undertaking, dismissal not permitted for insufficiency, 25-33-207
  exclusive method of review, 25-33-101
  filing
    notice on appeal, 25-33-103
    undertaking, 25-33-104, 25-33-201
  judgment
    default, no appeal, 25-33-303
    effect, 25-33-306
    enforcement, 25-33-306
    question of law, reversal or set aside, 25-33-302, 25-33-303
  justices' courts, 3-5-303, 25-35-803, See this category generally; See also **JUSTICES' COURTS**
  money, deposit in lieu of undertaking, 25-33-205
  notice, 25-33-103
    docketing in justice's court, 3-10-501
  permissible when, 25-33-101
  pleadings, 25-33-301
  procedure generally, 25-33-301
  question of law, reversal or set aside, 25-33-302, 25-33-303

APPEALS, CIVIL (Continued)

Limited jurisdiction, from courts of (Continued)
  rules of appellate civil procedure, applicability, Title 25, chapter 21, M.R.App.Civ.P., Rule 42
  service of notice, 25-33-103
  stay of execution, 25-33-201, 25-33-204
  time limitation, 25-33-101
  transmittal of papers, 25-33-104
  trial de novo, 25-33-301
  undertaking
    amount, 25-33-201, 25-33-202
    defect, 25-33-207
    docketing, 3-10-501, 3-10-1005
    filing, 25-33-201
    justification of sureties, 25-33-203
    money, deposit in lieu of, 25-33-205
    prevailing party, when appeal by, 25-33-202
    required, 25-33-201
    stay of execution, 25-33-201, 25-33-204
    transmittal, 25-33-104
    waiver, 25-33-206
Mines and mining
  reclamation by board of land commissioners, appeal of market value determination, 82-4-239
  rights-of-way, appeal of assessment of damages, 82-2-209, 82-2-212
Modification by supreme court, 3-2-204
Motions, Title 25, chapter 21, M.R.App.Civ.P., Rule 22
  amicus curiae, Title 25, chapter 21, M.R.App.Civ.P., Rule 24
  form, Title 25, chapter 21, M.R.App.Civ.P., Rule 27
Motor vehicle financial responsibility decisions or orders, 61-6-106
Motor vehicle graveyard and wrecking facility licenses, from denial or revocation, 75-10-515, 75-15-212
Municipal courts, rules, 3-6-104, 25-30-101, 25-30-108, See **Limited jurisdiction, from courts of**
Municipal utility rules and rate decisions, 69-7-113
Municipal zoning board of adjustment, 76-2-323, 76-2-326, 76-2-327
New trial, effect, Title 25, chapter 20, M.R.Civ.P., Rules 50(c), 50(d)
Notice of appeal
  attorney general, service upon, 25-1-502
  content, Title 25, chapter 21, M.R.App.Civ.P., Rule 4
  costs, Title 25, chapter 21, M.R.App.Civ.P., Rule 33
  death of party, effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 37
  effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 4
  filing, Title 25, chapter 21, M.R.App.Civ.P., Rules 4, 5
  form, Title 25, chapter 21, M.R.App.Civ.P., Appendix, Form 1
  joint appeals, Title 25, chapter 21, M.R.App.Civ.P., Rule 4
  limited jurisdiction, courts of, See **Limited jurisdiction, from courts of**
  service, Title 25, chapter 21, M.R.App.Civ.P., Rule 4
  small claims court, 25-35-803
  state involvement, service upon attorney general, 25-1-502
  time for filing, Title 25, chapter 21, M.R.App.Civ.P., Rules 5, 21
Notice of constitutional question, Title 25, chapter 21, M.R.App.Civ.P., Rule 38
Notice of decision, Title 25, chapter 21, M.R.App.Civ.P., Rule 35
Notice of dismissal motion, Title 25, chapter 21, M.R.App.Civ.P., Rule 11
Notice of orders and judgments, Title 25, chapter 21, M.R.App.Civ.P., Rule 30
Oral argument, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
  calendar, date on, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  failure to file brief, effect, Title 25, chapter 21, M.R.App.Civ.P., Rules 26, 29
  injunction orders, no argument, Title 25, chapter 21, M.R.App.Civ.P., Rule 40
Orders, entry and notice, Title 25, chapter 21, M.R.App.Civ.P., Rule 30
Outdoor advertising, removal — from decisions regarding, 75-15-131
Outfitters or guides licenses — denial, suspension, or revocation, 87-4-143
Papers, form, Title 25, chapter 21, M.R.App.Civ.P., Rule 27
Parent-child legal relationship termination orders or decrees, 41-3-612

APPEALS, CIVIL (Continued)

- **Parties**
  - briefs, references in, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
  - death, Title 25, chapter 21, M.R.App.Civ.P., Rules 4, 37
  - designation, Title 25, chapter 21, M.R.App.Civ.P., Rules 1, 4, 37
  - substitution, Title 25, chapter 21, M.R.App.Civ.P., Rule 37
- **Paternity actions**, appeal from orders when, 40-6-129
- **Paupers**, See **In forma pauperis**
- **Perishable property**, sale pending appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 7
- **Permitted when**, 25-12-102; Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  - limited jurisdiction, courts of, 25-33-101
- **Poor persons**, See **In forma pauperis**
- **Prehearing conference**, Title 25, chapter 21, M.R.App.Civ.P., Rule 28
- **Public contractors**, complaints against, 15-50-302
- **Public Service Commission**
  - actions, from court decrees enforcing, 69-14-134, 69-14-135, 69-14-402
  - orders, from decisions regarding challenges, 69-3-405
- **Quiet title actions**, 15-18-402
- **Quo warranto proceedings**, right of appeal, 27-28-206
- **Railroads**
  - easements for grain elevators or warehouses along, from decisions regarding, 69-14-905
  - rates, charges, and classifications — from decisions concerning, 69-14-134, 69-14-135, 69-14-402
- **Recall petitions**, sufficiency, 2-16-615
- **Receiver to preserve property during**, 27-20-102
- **Record on appeal**
  - agreed statement as, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  - appendix to brief, in, Title 25, chapter 21, M.R.App.Civ.P., Rule 25
  - contents, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  - correction, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  - costs, Title 25, chapter 21, M.R.App.Civ.P., Rule 33
  - docket entries of, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
  - fee, Title 25, chapter 21, M.R.App.Civ.P., Rule 11
  - filing, Title 25, chapter 21, M.R.App.Civ.P., Rule 11
  - findings of fact and conclusions of law, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  - modification, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  - preliminary hearings, records for, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
  - reading from by counsel not permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
  - references in briefs, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
  - removal from clerk's office, permission, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  - retention in district court, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
  - service upon each party required, Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
  - small claims court, 25-35-804
  - statement of evidence, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  - transcript, Title 25, chapter 21, M.R.App.Civ.P., Rules 9, 10
  - transmission, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
    - costs, Title 25, chapter 21, M.R.App.Civ.P., Rule 33
    - extension of time, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
    - failure to cause timely transmission, Title 25, chapter 21, M.R.App.Civ.P., Rule 11
    - limited jurisdiction, courts of, 25-33-104
    - small claims court, 25-35-804
  - withdrawal, permission, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
- **Records**, removal from clerk's office, Title 25, chapter 21, M.R.App.Civ.P., Rule 39(d)
- **Rehearing**, petitions for, Title 25, chapter 21, M.R.App.Civ.P., Rule 34
- **Remedial powers of the supreme court**, Title 25, chapter 21, M.R.App.Civ.P., Rule 15
- **Remittitur**
  - certification, Title 25, chapter 21, M.R.App.Civ.P., Rule 16
  - costs, award in, Title 25, chapter 21, M.R.App.Civ.P., Rule 33
  - issuance, Title 25, chapter 21, M.R.App.Civ.P., Rule 35
  - rehearing not permitted when, Title 25, chapter 21, M.R.App.Civ.P., Rule 34
  - u.s. supreme court, on mandate from, Title 25, chapter 21, M.R.App.Civ.P., Rule 35
- **Representative**, reversal of appointment on appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 13

APPEALS, CIVIL (Continued)

Respondent, review of ruling against, Title 25, chapter 21, M.R.App.Civ.P., Rule 14
Restitution, Title 25, chapter 21, M.R.App.Civ.P., Rule 15
Reversal by supreme court, 3-2-204
  statute of limitations, effect on, 27-2-407
Review, writ of, See **WRITS**, **Certiorari**
Rules of Appellate Civil Procedure
  applicability
    district court, appeals to, Title 25, chapter 21, M.R.App.Civ.P., Rule 42
    exceptions, Title 25, chapter 21, M.R.App.Civ.P., Rule 42
    generally, 25-12-101, 25-12-102; Title 25, chapter 20, M.R.Civ.P., Rule 72; Title 25, chapter 21, M.R.App.Civ.P., Rules 1, 42
    original proceedings before supreme court, Title 25, chapter 20, M.R.Civ.P., Rule 72; Title 25, chapter 21, M.R.App.Civ.P., Rules 1, 17
    preexisting proceedings, Title 25, chapter 21, M.R.App.Civ.P., Rule 43
    special proceedings, Title 25, chapter 21, M.R.App.Civ.P., Rules 42, 43
    writs, Title 25, chapter 21, M.R.App.Civ.P., Rule 17
  citation, Title 25, chapter 21, M.R.App.Civ.P., Rule 43
  effective date, Title 25, chapter 21, M.R.App.Civ.P., Rule 43
  forms, Title 25, chapter 21, M.R.App.Civ.P., Appendix
  judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
  preexisting proceedings, Title 25, chapter 21, M.R.App.Civ.P., Rule 43
  publication with Montana code annotated, 1-11-204
  scope, 25-12-101, 25-12-102; Title 25, chapter 21, M.R.App.Civ.P., Rules 1, 42
  statutes, effect on, Title 25, chapter 21, M.R.App.Civ.P., Rules 42, 43
  suspension, Title 25, chapter 21, M.R.App.Civ.P., Rule 3
Safety orders, rules, and decisions of Division of Workers' Compensation, 50-71-334
Savings banks, See **Banks and trust companies**
School districts
  joint high school, request for establishment — orders concerning, 20-6-309
  new elementary, creation — orders concerning, 20-6-217
  transfer of territory, 20-6-213
School enrollment, decisions regarding excuses from, 20-5-102
School property sale or disposal, resolution for, 20-6-604
School transportation controversies, 20-3-107, 20-10-132
School trustees, joint boards — proration of costs, 20-3-362
School tuition
  agreements, disapproval, 20-5-304, 20-5-311
  transfer privilege, abuse, 20-5-312
Scope of review, Title 25, chapter 21, M.R.App.Civ.P., Rules 2, 14
Securities regulation, orders of investment commissioner, 30-10-308
Separate appeals, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
Service
  briefs, Title 25, chapter 21, M.R.App.Civ.P., Rule 26
  papers, Title 25, chapter 21, M.R.App.Civ.P., Rules 20, 21
  record on appeal, Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
  representatives, on, Title 25, chapter 21, M.R.App.Civ.P., Rule 37
  tax appeals, on department of revenue, 15-8-115
Small claims court, 25-34-403, 25-35-605, 25-35-803 — 25-35-806
Solid waste disposal licenses, validation refused, 75-10-223
Special proceedings, appeals in, See this main category generally; **SPECIAL PROCEEDINGS**
Speech pathologists and audiologists, from failure of license examination, 37-15-201
Statute of limitations, effect on, 27-2-407
Stay of execution pending appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 7
  limited jurisdiction, courts of, 25-33-201, 25-33-204
  state, in favor of, Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
  supreme court's power not limited, Title 25, chapter 20, M.R.Civ.P., Rule 62(g)
  transmission of record, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
Streambed alteration projects, final actions, 75-7-121
Subdivisions out-of-state, in-state sales — from rulings on decisions regarding, 76-4-1208, 76-4-1209
Submission of controversy without action, decision subject to, 27-7-104

APPEALS, CIVIL (Continued)

Supersedeas bond, Title 25, chapter 21, M.R.App.Civ.P., Rules 6 — 8, 10, 33
Support
  foreign orders, 40-5-141
  reciprocal enforcement, 40-5-135
Supreme court
  jurisdiction, 3-2-201 — 3-2-205
  powers and duties of court, 3-2-202, 3-2-204, 3-2-205
    not limited, Title 25, chapter 20, M.R.Civ.P., Rule 62(g)
Sureties, Title 25, chapter 21, M.R.App.Civ.P., Rule 8
  subrogation, 25-13-105
Suspension of rules, Title 25, chapter 21, M.R.App.Civ.P., Rule 3
Taxation
  appraisal, 15-7-102
  assessment, 15-1-303, 15-1-403, 15-8-113
  classification, 15-7-102
  gasoline license tax, decisions by department of revenue, 15-70-101
  quiet title actions, 15-18-402
  special fuels tax, decisions by department of revenue, 15-70-101
  state tax appeal board
    decisions, 15-2-303, 15-7-102
    interlocutory adjudication, from, 15-2-305
Teachers
  certification, denial, 20-2-121, 20-4-110
  dismissal or termination, 20-3-210, 20-4-204, 20-4-207
Time
  argument, for, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
  briefs, filing, Title 25, chapter 21, M.R.App.Civ.P., Rule 26
  computation, Title 25, chapter 21, M.R.App.Civ.P., Rule 21
  extension, Title 25, chapter 21, M.R.App.Civ.P., Rules 21, 34
  rehearing, petitions for, Title 25, chapter 21, M.R.App.Civ.P., Rule 34
Toys and children's articles, judicial review of ban as hazardous, 50-30-202
Tramways, appeal de novo from corrective order, 23-2-725
Transcripts, Title 25, chapter 21, M.R.App.Civ.P., Rule 9, See also **Record on appeal**
  costs, See **Costs**
  small claims court, 25-35-805
  transmission, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
Transmission of record, See **Record on appeal**
Trust companies, See **Banks and trust companies**
Typewriting
  copies, Title 25, chapter 21, M.R.App.Civ.P., Rule 27
  form, Title 25, chapter 21, M.R.App.Civ.P., Rules 17, 27
  in forma pauperis, for, Title 25, chapter 21, M.R.App.Civ.P., Rules 18, 27
  motions, Title 25, chapter 21, M.R.App.Civ.P., Rule 22
  prohibited when, Title 25, chapter 21, M.R.App.Civ.P., Rule 27
  rehearing, petitions for, Title 25, chapter 21, M.R.App.Civ.P., Rule 34
Unclaimed property, determination of claim, 70-9-312
Undertakings, Title 25, chapter 21, M.R.App.Civ.P., Rule 6
  additional security, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
  applicability of laws, Title 25, chapter 21, M.R.App.Civ.P., Rule 8
  limited jurisdiction, courts of, See **Limited jurisdiction, from courts of**
  subrogation of surety, 25-13-105
University system
  parking violations, 20-25-312
  students denied resident classification, 20-25-504
Unlawful detainer, 70-27-211
U.S. Supreme Court, mandate from, Title 25, chapter 21, M.R.App.Civ.P., Rule 35
Utilities, municipal — rules and rate decisions, 69-7-113
Venue
  brief, statement on, Title 25, chapter 21, M.R.App.Civ.P., Rule 27
  change of, review of, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
Water pollution
  emergency orders, from, 75-5-621
  orders generally, from, 75-5-641

APPEALS, CIVIL (Continued)

Water supply, public
  laboratories for water analysis, from licensing decisions, 75-6-106
  orders, rules, or standards — from, 75-6-111
  variances or exemptions, from decisions concerning, 75-6-107
Water treatment plant operators, from revocation of certificates, 37-42-321
Workers' Compensation, Division of — safety orders, rules, and decisions, 50-71-334
Youth court proceedings, appeals from, 41-5-532
Zoning boards of adjustment
  county, 76-2-223, 76-2-226, 76-2-227
  municipal, 76-2-323, 76-2-326, 76-2-327

APPEALS, CRIMINAL

Affirmance by supreme court, 3-2-204, 46-20-703
  dismissal as, 46-20-319
Agreed statement of facts as record on appeal, 46-20-305
Amicus curiae, 46-20-404
Appearance of defendant in trial court, presumption, 46-16-108
Appendices, See **Briefs**
Applicability of laws, 46-20-101
  habeas corpus, 46-22-101
Argument, See **Oral argument**
Bail
  admission pending appeal, 46-9-103, 46-20-204
  conditions, 46-9-501
  exoneration, 46-20-707
  habeas corpus, pending appeal of hearing on writ, 46-22-307
  precedence on calendar, effect, 46-20-601
Briefs
  abbreviations, 46-20-407
  agreed statement filed as appendix, 46-20-305
  amicus curiae, 46-20-404
  appellant, of, 46-20-401
  appendices, 46-20-410
    agreed statement filed as, 46-20-305
    printing, 46-20-511
  contents, 46-20-401
  copies, 46-20-405, 46-20-511
  filing, 46-20-405, 46-20-410
  form, 46-20-401, 46-20-409, 46-20-410, 46-20-511
  length, 46-20-409
  limited, 46-20-403
  number limited, 46-20-403
  parties, references to, 46-20-406
  printing, 46-20-511
  reading from, prohibited, 46-20-603
  record, references to, 46-20-407
  references to
    parties, 46-20-406
    record, 46-20-407
  reply brief, 46-20-403
  respondent, of, 46-20-402
  service, 46-20-405, 46-20-410
  statutes and rules, reproduction, 46-20-408
  submission on briefs, 46-20-604
  typewriting, 46-20-511
Calendar precedence, 46-20-601, See also **COURT CALENDAR PRECEDENCE**
City court
  appeal from, 3-5-303, 3-11-301, 46-17-304, 46-17-311
  city attorney to prosecute, 3-11-301
Codefendants, separate appeals, 46-20-105

APPEALS, CRIMINAL (Continued)

Copies, 46-20-502
  briefs, 46-20-405, 46-20-511
  notice on appeal, 46-20-201
  review, petition for, 46-20-705
  typewritten papers, copies not to be mixed, 46-20-512
Costs
  docketing fee, 46-20-317
  indigent persons, See **In forma pauperis**
  transcript, 46-20-302
Counsel
  appearance, failure to appear, 46-20-604
  appointment, duration, 46-8-103
  briefs
    names to appear on, 46-20-513
    reading from prohibited, 46-20-603
    service upon, 46-20-405
  death, 46-20-201
  motions, service upon, 46-20-501
  names to appear on briefs, 46-20-513
  notice of appeal, notice of filing to, 46-20-201
  removal of records from clerk's office, 46-20-504
  service of papers upon, 46-20-502
Court calendar precedence, 46-20-601
Death of counsel, 46-20-201, See also **DEATH, Criminal proceedings**
Death sentence
  consolidation of appeal and review, 46-18-308
  errors of trial court, consideration, 46-18-310
  review, automatic, 46-18-307, See **DEATH PENALTY, Review**
    consolidation with appeal, 46-18-308
  stay of execution pending appeal, 46-20-204
Decision, 46-20-703, 46-20-704
Defect, See **Error**
Dismissal
  briefs, for failure to file, 46-20-405
  effect, 46-20-319
  motion for, 46-20-501
  record on appeal, for failure to cause timely transmission, 46-20-318
Disqualification of judge when, 3-1-802
District court, appellate jurisdiction, 3-5-301, 3-5-303, 46-17-311
Docket entries
  appeal, docketing of, 46-20-316
  appendix, entries in, 46-20-410
  justice's court, notice of appeal, 3-10-501
  notice of appeal, names to whom copies sent, 46-20-201
  record on appeal, to comprise, 46-20-301
  transmittal in lieu of entire record, 46-20-314
Effective date of provisions, 46-20-101
Error
  death sentence, review when, 46-18-310
  record on appeal, 46-20-306
  trial court, by — effect, 46-20-701, 46-20-702
    death sentence, when, 46-18-310
Evidence
  courtroom, time to be placed in, 46-20-603
  pendency, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  record on appeal, comprises, 46-20-301
  references to, in briefs, 46-20-407
  separate volume to briefs, 46-20-410, 46-20-511
  statement of evidence in lieu of transcript, 46-20-304
  transcript, See **Transcripts**
  transmission from trial court, 46-20-311
  writings to refresh witness' memory, Title 26, chapter 10, M.R.Ev., Rule 612

APPEALS, CRIMINAL (Continued)

Exclusive method of review, 46-20-101
Exhibits, See **Evidence**
Fees, See **Costs**
Filing, 46-20-502
  briefs, 46-20-405, 46-20-410
  record on appeal, 46-20-317
  review, petition for, 46-20-705
Form
  appendices to briefs, 46-20-410
  briefs, See **Briefs**
  covers of papers, 46-20-513
  first page of papers, 46-20-513
  motions, 46-20-501
  printing, 46-20-511
  typewritten papers, 46-20-512
Habeas corpus
  applicability of laws, 46-22-101
  state appeal of petitioner's discharge, Title 46, chapter 22, part 3
Harmless error, See **Error**
Hearing, See **Oral argument**
Indigent persons, See **In forma pauperis**
In forma pauperis, 46-20-303
  typewritten papers, 46-20-511
Initiation, See **Notice of appeal**
Irregularity, See **Error**
Joinder of appeal, 46-20-105
  transmission of record, 46-20-311
Judges, disqualification, 3-1-802
Judgment, appeal from, 46-20-103
Judgment on appeal, entry, 46-20-704
Jurisdiction
  district court, 3-5-301, 3-5-303, 3-11-301
  remand, effect, 46-20-706
  supreme court, 3-2-201 — 3-2-204
Jury in trial court, presumption of admonition to, 46-16-501
Justice's court, appeal from, 3-5-303, 46-17-304, 46-17-311
  notice to be docketed, 3-10-501
Mistake, See **Error**
Modification by supreme court, 3-2-204, 46-20-703
Motions and orders, 46-20-501
  appeal of order, 46-20-103
  entry or docketing of order, notice, 46-20-704
  filing, 46-20-502
  procedural orders, decision ex parte, 46-20-501
Municipal court
  procedure, 46-17-404
  rules, 3-6-104
New trial, order for, 46-20-703, See **CRIMINAL PROCEDURE**, **New trial**
Notice of appeal
  attorney general, service upon, 46-1-302
  city court, 46-17-311
  contents, 46-20-201
  copies, 46-20-201
  exclusive method of appeal, 46-20-101
  filing, 46-20-201
  justice's court, 46-17-311
    docketing, 3-10-501
  motion to dismiss, filing date of notice certified for, 46-20-318
  service, 46-20-201
  state involvement, service upon attorney general, 46-1-302
Notices
  dismissal, application, 46-20-318

APPEALS, CRIMINAL (Continued)

Notices (Continued)
  errors affecting defendant's rights, 46-20-702
  exhibits, destruction by clerk, 46-20-603
  judgment, 46-20-704
  papers from clerk's office, return upon shorter time period, 46-20-504
  record, filing, 46-20-317
Objections
  record on appeal, contained in, 46-20-701
  rehearing, petition for, 46-20-705
  statement of evidence, to, 46-20-304
Oral argument
  amicus curiae, 46-20-404
  brief, effect of failure to file, 46-20-405
  calendar precedence, 46-20-601
  conduct, 46-20-603
  counsel, failure to appear, 46-20-604
  parties, references to, 46-20-406
  submission on briefs, 46-20-604
  time, 46-20-602
Orders, See **Motions and orders**
Pardons, Board of — orders, reviewability, 46-23-107
Parties
  briefs, references in, 46-20-406
  death, 46-20-201
  designation, 46-20-202, 46-20-513
  docket, entry in, 46-20-316
  joinder, 46-20-105
Postconviction hearing, See also **CRIMINAL PROCEDURE**
  appeal from, 46-21-203
  appeal unavailable, when, 46-21-101
  effect of appeal, 46-21-105
Poor persons, See **In forma pauperis**
Precedence on court calendar, 46-20-601
Preexisting methods of review, 46-20-101
Printing format, 46-20-511
Record on appeal
  agreed statement of facts as, 46-20-305
  briefs, references in, 46-20-407
  contents, 46-20-301
  correctness disputed, 46-20-306
  defined, 46-20-301
  docket entries in lieu of, 46-20-314
  error, 46-20-306
  filing, 46-20-317
  modification, 46-20-306
  references in briefs, 46-20-407
  removal from clerk's office, 46-20-504
  retention in district court
    order for, 46-20-314
    stipulation by parties, 46-20-315
  review, elements considered when, 46-20-701
  statement of evidence in lieu of transcript, 46-20-304
  transcript, 46-20-301, See **Transcripts**
  transmission, 46-20-311
    extension of time, 46-20-312
    partial transmission, 46-20-314, 46-20-315
    reduction of time, 46-20-313
    respondent, by, 46-20-318
    timely transmission, failure, 46-20-318
Records, removal from clerk's office, 46-20-504
Rehearing, petition for, 46-20-705
Remand, 46-20-706

APPEALS, CRIMINAL (Continued)

Removal of records from clerk's office, 46-20-504
Reversal by supreme court, 3-2-204, 46-20-703
    effect, 46-20-707
    stay of execution upon, 46-20-205
Rights of parties, appeal determined in accordance with, 46-20-701
Rules, suspension by supreme court when, 46-20-102
Scope of appeal by
    defendant, 46-20-104
    state, 46-20-103
Sentence, reduction upon, 46-20-703
Service of papers, 46-20-502
    mail, effect on computation of time, 46-20-503
Set aside of proceedings subsequent to judgment, 46-20-703
State
    agencies, by — notice, 46-1-302
    appeal by
        effect, 46-20-205
        scope, 46-20-103
Stay of execution pending appeal, 46-20-204, 46-20-205
Submission on briefs, 46-20-604
Supreme court, to
    jurisdiction, 3-2-201 — 3-2-204
    powers and duties of court generally, 3-2-204
    statement of evidence, direction of settlement and approval, 46-20-304
    suspension of provisions by, 46-20-102
    writs necessary, issuance, 3-2-202
Suspension of provisions, 46-20-102
Termination of appeal, 46-20-706
Time
    agreed statement, transmittal, 46-20-305
    appeal from judgment, 46-20-204
    brief, service and filing, 46-20-405
    computation, 46-20-503
    dismissal, answer to motion for, 46-20-501
    docketing of appeal, 46-20-316
    in forma pauperis, petition for transcript, 46-20-303
    oral argument, 46-20-602, 46-20-603
    record on appeal, filing, 46-20-317
    rehearing, filing of petitions, 46-20-705
    statement of evidence, preparation, 46-20-304
    timeliness, 46-20-502
    transcript, order of, 46-20-302, 46-20-303
    transmission of record, 46-20-305, 46-20-311
        extension of time, 46-20-312
        reduction of time, 46-20-313
Title of case, 46-20-202, 46-20-316, 46-20-513
Transcripts, 46-20-302, See also **Record on appeal**
    copies, 46-20-502
    in forma pauperis, 46-20-303
    service, 46-20-502
    statement of evidence in lieu of, 46-20-304
    transmission, 46-20-311
Transmission of record, See **Record on appeal**
Typewriting
    consent of court, 46-20-511
    copies, 46-20-512
    form, 46-20-512
    in forma pauperis, papers filed, 46-20-511
    motions, 46-20-501
    prohibited when, 46-20-511
Venue to appear on first page and cover of documents, 46-20-513

APPEARANCE

See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**

APPELLATE CIVIL PROCEDURE, RULES OF, Title 25, chapter 21

See **APPEALS, CIVIL**, generally

APPLES

See **HORTICULTURE**

APPORTIONMENT, Title 5, chapter 1

See **REAPPORTIONMENT COMMISSION**

APPRAISAL AND APPRAISERS

Consultants, private — nonapplicability of provisions, 18-8-103
Hail losses, See **HAIL INSURANCE**
Insurance, Commissioner of — employment by, 33-1-403, 33-2-534, 33-2-607, 33-2-1345
Insurers
  domestic stock, fair market value of capital stock, 33-3-215
  mortgage loans, prior to investment, 33-2-830, 33-2-831
State lands or leases, See **STATE LANDS**
Tax, See **TAXATION**

APPRENTICESHIP AND APPRENTICES

Barbers, See **BARBERING AND BARBERS**
Beauticians, See **COSMETOLOGY AND COSMETOLOGISTS**
Cosmetologists, See **COSMETOLOGY AND COSMETOLOGISTS**
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Electricians, See **ELECTRICIANS**
Force to discipline justifiable, 45-3-107
Generally, Title 39, chapter 6, part 1
Labor and Industry, Department of — authority, Title 39, chapter 6, part 1
  plumbing apprentices, registration, 37-69-302, 37-69-323
Plumbers, See **PLUMBING AND PLUMBERS**
Water well contractors, 37-43-305

APPROPRIATIONS

See **LEGISLATURE**

APPURTENANCES

See **REAL PROPERTY**

AQUATIC ECOSYSTEM PROTECTION

See generally **FISH AND WILDLIFE, Waters; LAKES, Shore protection; RIVERS AND STREAMS, Streambed protection**

AQUEDUCTS

Public use, as, 70-30-102, See **EMINENT DOMAIN**

ARBITRATION

See also generally **REMEDIES; SPECIAL PROCEEDINGS**

Adjournment, 27-5-202

ARBITRATION (Continued)

Appeal, 27-5-304
Applicability of laws
  judgment law, 27-5-104
  kinds of controversies, 27-5-101
Arbitrators
  majority to determine decisions, 27-5-202
  misconduct, 27-5-301
  oath, 27-5-201
  powers and duties, 27-5-202
  presumption of adjudication, 26-1-602
Availability, 27-5-101
Award
  appeal, 27-5-304
  compelled, 27-5-104
  correction, 27-5-302
  effect, 27-5-104, 27-5-303, 27-5-304
  enforcement, 27-5-104
  entry, 27-5-303
  filing, 27-5-203, 27-5-303
  form, 27-5-203
  imperfection, 27-5-302
  impossibility, 27-5-301
  indefiniteness, 27-5-301
  judgment, effect as, 27-5-104, 27-5-303, 27-5-304
  modification, 27-5-302
  notice of filing, 27-5-303
  power of arbitrators, 27-5-202
  presumption of adjudication, 26-1-602
  time limit for, 27-5-103
  vacation, 27-5-301
Clerk of the district court, duties, See **CLERK OF THE DISTRICT COURT**
Corruption, effect, 27-5-301
Damages for revocation, 27-5-105
Defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Entry of award, 27-5-303
Entry of submission
  effect, 27-5-104
  order, stipulation for entry as, 27-5-103
Error, 27-5-301, 27-5-302
Evidence, 27-5-202, 27-5-301
Filing of award, 27-5-203, 27-5-303
Filing of submission, 27-5-103
Firefighters, Title 39, chapter 34, part 1
Foreign corporations, status, 35-1-1002
Form of award, 27-5-203
Form of submission, 27-5-102
Fraud, effect, 27-5-301
Hail insurance, disputed appraisals, 80-2-243
Hearing, 27-5-202, 27-5-301
Insurers, farm mutual — amount of claimant's loss or damage, 33-4-411
Judgment, applicability of laws, 27-5-104
Kinds of controversies that may be submitted, 27-5-101
Malpractice claims subject to, 27-6-105
Order, stipulation of entry of submission as, 27-5-103, 27-5-104, 27-5-203
Partition, applicability of laws, 27-5-101
Partnership, authority, 35-10-301
Presumption of adjudication, 26-1-602
Public employees' unlawful termination, 2-18-621
Real property questions, applicability of laws, 27-5-101
Revocation, 27-5-104, 27-5-105
Rivers and streams, construction project disagreements, 87-5-505
Specific performance not available on agreement for submission, 27-1-412

ARBITRATION (Continued)

State land leases, settlement for lessee's improvements, 77-2-325, 77-6-306
Statute of limitations, 27-2-405
Streambed alteration projects, See **RIVERS AND STREAMS**, **Streambed protection**
Submission
    filing, 27-5-103
    form, 27-5-102
    order, entry as, 27-5-103, 27-5-104, 27-5-203
    revocation, 27-5-104, 27-5-105
Taxes, multistate tax commission, 15-1-601
Threshers' liens, disputed price, 71-3-801
Writing required, 27-5-102, 27-5-203

ARCHAEOLOGICAL SITES

See generally **ANTIQUITIES**; **PARKS**, **State parks**

ARCHERY AND ARCHERS

See **FISH AND WILDLIFE**, **Bow and arrow**

ARCHITECTS, BOARD OF

See **ARCHITECTURE AND ARCHITECTS**, **Board of Architects**

ARCHITECTURE AND ARCHITECTS

Administration, Department of — practices limited, 18-2-111
Advertising, 35-4-103, 35-4-201
Appointment by state when, 18-2-112
Board of Architects
    allocation, 2-15-1871
    certification of architects
        continuing education requirements set by, 37-65-306
        examinations, 37-65-303, 37-65-305, 37-65-306
        jurisdiction, 37-65-203
        nonresidents, 37-65-305
        renewal fee set by, 37-65-306
        revocation, 37-65-321
    compensation of members, 37-65-202
    composition, 2-15-1871
    continuing education requirements set by, 37-65-306
    defined, 37-65-102
    expenses of members, 37-65-202
    fees set by, 37-65-304, 37-65-306
    funding, 37-65-304, 37-65-307
    hearings, 37-65-321
    injunction brought by, 37-65-323
    jurisdiction, 37-65-203
    meetings, 37-65-201
    oaths, administering, 37-65-201
    officers, 37-65-201
    proceedings, records, 37-65-201
    public representation on, 2-15-1871
    seal, 37-65-201
    termination, 2-8-103
    term of office, 2-15-1871
    witnesses, 37-65-201
Buildings
    definitions, 37-65-102
    public, construction — duties, See **BUILDINGS AND BUILDING REGULATIONS**
    schools, plans and specifications — violations concerning, 20-6-624

ARCHITECTURE AND ARCHITECTS (Continued)

Buildings (Continued)
  state
    construction, duties, See **CAPITOL AND OTHER STATE BUILDINGS**
    policy respecting construction, 18-2-111
Certification of architects
  applications, 37-65-303
  continuing education, 37-65-306
  discrimination in issuance prohibited, 49-3-204
  examinations, 37-65-201, 37-65-303 — 37-65-306
  fees, 37-65-304, 37-65-306, 37-65-307
    local, prohibited, 37-65-203
  fraud or misrepresentation, obtained by, 37-65-321
  individuals, limited to, 37-65-302
  issuance, 37-65-303
  limitations, 37-65-302
  nonresidents, 37-65-305
  public building construction, requirements, 18-2-113
  reciprocity, 37-65-305
  register of applicants, 37-65-201
  renewal, 37-65-306
  required, 37-65-301
  revocation, 37-65-321
Commerce, Department of
  certification of architects
    applications, 37-65-303
    examination fee paid to, 37-65-304
    fees, 37-65-304, 37-65-306, 37-65-307
    issuance, 37-65-303
    register of applicants, 37-65-201
    renewal fee paid to, 37-65-306
  defined, 37-65-102
  earmarked revenue fund, 37-65-304, 37-65-307
  records kept by, 37-65-201
  register of applicants, 37-65-201
Condominium plans, certification, 70-23-306
Consultants, private — nonapplicability of provisions, 18-8-103
Continuing education, 37-65-306
Definitions, 37-65-102
Employees of architects, 37-65-103
Engineering, professional — exemption from provisions, 37-67-103
Errors and omission insurance, See **INSURANCE — CASUALTY, Professional liability**
Exemptions from provisions, 37-65-103
Federal architects, 37-65-103
Fees, See **Certification of architects**
Fraudulent practices, 37-65-321
Incompetency, 37-65-321
Incorporation, See **CORPORATIONS, Professional service corporations**
Injunction, 37-65-323
Insurance, professional liability, See **INSURANCE — CASUALTY, Professional liability**
Landscape architects, nonapplicability of provisions, 37-66-105, See also **LANDSCAPE ARCHITECTURE AND ARCHITECTS**
Licensing, See **Certification of architects**
Liens for services, See **LIENS, Mechanics' liens**
Local license fee or tax prohibited, 37-65-203
Mechanics' liens, See **LIENS**
Nonresidents, 37-65-305
Practice of architecture
  certificate required, 37-65-301
  defined, 37-65-102

ARCHITECTURE AND ARCHITECTS (Continued)

Professional liability insurance, See **INSURANCE — CASUALTY, Professional liability**
Professional service corporations, See **CORPORATIONS**
Public buildings, construction — duties, See **BUILDINGS AND BUILDING REGULATIONS**
Purpose of provisions, 37-65-101
School building plans and specifications, violations concerning, 20-6-624
School districts, contracts for services, See **SCHOOLS, Sites and facilities**, architectural services
Seal
  description, 37-65-308
  required when, 18-2-114, 37-65-308
State buildings
  construction, duties, See **CAPITOL AND OTHER STATE BUILDINGS**
  policy of state respecting construction, 18-2-111
Unprofessional conduct, 37-65-321
Utilities, underground — excavations near, information requirements, 69-4-504
Violations and penalty, 37-65-322
  injunction, 37-65-323

ARCHIVES

See **PUBLIC RECORDS, State archives**

ARCHIVIST

See **PUBLIC RECORDS, State archives**

ARM

See **ADMINISTRATIVE RULES**

ARMED FORCES

See **MILITARY AFFAIRS**

ARMORIES

See **MILITARY AFFAIRS**

ARMY NATIONAL GUARD

See **MILITARY AFFAIRS**, generally

ARRAIGNMENT

See **CRIMINAL PROCEDURE**

ARREST

Aiding offender to escape discovery, unlawful, 45-7-303
Aiding peace officer
  authority of person aiding, 46-6-402
  command, 46-6-402
  extradition, in arrest for, 46-30-215, 46-30-216
  failure unlawful, 45-7-304
  liability, 46-6-402
Appeal by state of judgment quashing, 46-20-103
Appearance, See **CRIMINAL PROCEDURE, Appearance of defendant**, initial

ARREST (Continued)

Arrest warrants, See **Warrants**
Assistance to peace officers, 45-7-304, 46-6-402
Attorneys, exemption, 46-6-102
Bail, See **BAIL, CIVIL**; **BAIL, CRIMINAL**
Bond certificates, See **BAIL, CRIMINAL**
Citizen's arrest, See **Private person, arrest by**
Civil actions
  appeal, calendar precedence, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 64
  bail, See **BAIL, CIVIL**
  contempt, See **CONTEMPT**
  escape, statute of limitations on action against public officer, 27-2-209
  execution, arrest of judgment debtor for withholding property, 25-14-102
    exemption, 25-14-309
  judgment directing, 25-13-201
    applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 64
    execution, 25-13-308
    exemption, 25-14-309
  jurors, to compel attendance, 3-15-321
  justices' courts, See **JUSTICES' COURTS**
  municipal court, 25-30-101
  prejudgment arrest, See **Prejudgment arrest**
  rules of civil procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 64
  support enforcement, arrest of obligor, 40-5-117
  witnesses, See **WITNESSES**
Clerks of court, See specific court
Close pursuit, 46-6-411
  informing of intent not required, 46-6-106
Commerce, Department of — authority to arrest, 30-12-210
Communication with person subject to, unauthorized when, 45-7-307
Consumer reports, inclusion of information in, 31-3-112, 31-3-126
Contempt, arrest for, 3-1-513 — 3-1-518, 3-1-521, 3-1-522, 3-10-403
Contraceptive drugs, enforcement of restrictive provisions, 45-8-204
Credit reports, inclusion of information in, 31-3-112, 31-3-126
Criminal history record information, exclusion, 44-5-103
Deaf persons, interpreters for, 49-4-503
Definitions, 45-2-101, 46-6-101, 46-6-501
Discharge or release of arrested person
  bail, on, See **BAIL, CRIMINAL**
  close pursuit, unlawful arrest, 46-6-411
  complaint, no grounds and arrest without warrant, 46-6-403
  defect in warrant, 46-6-204
Docketing, justice's court, 3-10-501
Drug users, report to county attorney, 46-9-203
Electors, exemption, 13-1-115, 46-6-102
Entry into building, use of force, 46-6-104
Escape, unlawful, 45-7-306
  justifiable use of force to prevent, 45-3-106
  notice of subsequent arrest not required, 46-6-106
  prejudgment arrest, 27-16-209, 27-16-210
  statute of limitations for action against public officer, 27-2-209
Execution, upon, See **Civil actions**
Exemptions, 13-1-115, 46-6-102
  witnesses, out-of-state, 46-15-112, 46-15-114
Extradition, See **EXTRADITION, To another state**
False or unlawful arrest
  close pursuit, release, 46-6-411
  merchandise in full view, merchant liability for requiring, 30-11-302
  resisting when, 45-3-108, 45-7-301
  shoplifting, arrest by merchant, 46-6-503
Fingerprinting and photographing of accused when, 44-5-202
Firewardens, powers of, 77-5-105

ARREST (Continued)

Fish and game wardens, powers of, 87-1-506
Fleeing, See **Escape; Fugitives**
Force, necessary and reasonable, 46-6-104
"Frisk" defined, 45-2-101, See **SEARCH AND SEIZURE, Stop and frisk**
Fugitives
  close pursuit, 46-6-411
  without warrant, 46-6-203
Gambling violations, peace officer's arrest authority, 23-5-121, 23-5-125, 23-5-323, 23-5-423, 23-5-508
Game wardens, powers of, 87-1-506
Grounds, 46-6-401, 46-6-403
  bail, failure to comply with conditions, 46-9-505
  information, after filing, 46-11-201
  private person, arrest by, 46-6-502
Guaranteed arrest bond certificates, See **BAIL, CRIMINAL, Bond certificates**
Habeas corpus, See **HABEAS CORPUS, WRIT OF**
Harboring or aiding offender unlawful, 45-7-303
Highway patrol
  authority, 44-1-1001 — 44-1-1005
  procedure, 44-1-1101, 44-1-1102
Highways, Department of — peace officers for, authority, See **MOTOR VEHICLES, Peace officers, departmental**
Hot pursuit, See **Close pursuit**
Indictment
  arrest upon, 46-11-333
  disclosure for, 46-11-317
Information, upon filing, 46-11-201
Initial appearance, See **CRIMINAL PROCEDURE, Appearance of defendant**
Interpreters for deaf persons, 49-4-503
Judges, exemption, 46-6-102
Judgment directing, civil, See **Civil actions**
Jurors, arrest to compel attendance, 3-15-321
Justice's court, civil arrest, See **JUSTICES' COURTS**
Juveniles, 41-5-302, See **YOUTH COURT, Custody of youth; Detention of youth**
Legislators, exemption, 46-6-102
Livestock
  inspectors and detectives, powers, 81-1-202
  violations, powers concerning, 81-4-621
Manner, 46-6-104, 46-6-106, 46-6-203
Military officers, authority, 10-1-611, 10-1-612
Militia, exemption, 46-6-102
Minors, 41-5-302, See **YOUTH COURT, Custody of youth; Detention of youth**
Motor carrier supervisor and field inspectors, powers, 69-12-203
Notice to appear
  defined, 46-6-101
  rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
  when, 46-6-404
"Official detention" defined, 45-2-101
Oil and Gas Conservation, Board of — authority, 82-11-142
Oral order for, 46-6-103
Order for, 46-6-103
Peace officers
  aid to, See **Aiding peace officer**
  close pursuit, See **Close pursuit**
  failure to aid, unlawful, 45-7-304
  warrant directed to, 46-6-101, 46-6-202
Prejudgment arrest, See also **Civil actions; REMEDIES**, generally
  affidavits
    bail, to oppose reduction, 27-16-301
    order, for, 26-1-1002, 27-16-203, 27-16-207
    sureties on plaintiff's undertaking, 27-16-205
  appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 39

ARREST (Continued)

Prejudgment arrest (Continued)
- availability generally, 27-16-102; Title 25, chapter 20, M.R.Civ.P., Rule 64
  - counterclaim of defendant, available to defendant, 27-15-102
  - election among remedies, 27-15-101
- bail
  - amount, 27-16-206, 27-16-401
  - deposit of money, substitution for, 27-16-603
  - effect, 27-16-401
  - new bail, 27-16-405
  - reduction
    - deposit of money, effect on, 27-16-601
    - grounds, 27-16-302
    - procedure, 27-16-301
- clerk of the court, duties, See **CLERK OF THE DISTRICT COURT**
- costs, 27-16-208
- counterclaim, availability to defendant upon, 27-15-102
- death of defendant, 27-16-505
- deposit of money in lieu of
  - amount, 27-16-601
  - certificate of deposit, 27-16-601, 27-16-602
  - default, 27-16-602
  - disposition, 27-16-604
  - effect, 27-16-401, 27-16-601
  - judgment, application to, 27-16-604
  - payment to court, 27-16-602
  - permitted, 27-16-601
  - refund, 27-16-603, 27-16-604
  - substitution of bail, 27-16-603
- discharge of defendant, 27-16-401, 27-16-601
- duration of custody, 27-16-208
- effect, 27-16-503
- election as provisional remedy, 27-15-101
- escape, 27-16-209, 27-16-210
- exclusive procedure, 27-16-101
- expenses, prepayment, 27-16-208
- imprisonment of defendant, effect, 27-16-505
- justice's court, in, See **JUSTICES' COURTS**
- municipal court, in, 25-30-101
- notice
  - bail, nonacceptance, 27-16-404
  - order, vacation, 27-16-301
  - sureties of defendant, justification, 27-16-405, 27-16-603
- order
  - affidavit, 27-16-203, 27-16-207
  - decision on, time limit, 27-15-103
  - delivery to sheriff, 27-16-207
  - directions to sheriff, 27-16-206
  - execution, 27-16-208
  - filing, 27-16-404
  - grounds, 27-16-203
  - modification, 27-15-103
  - required, 27-16-201
  - return, 27-16-206, 27-16-404
  - service upon defendant, 27-16-207
  - set aside, 27-15-103
  - time for making, 27-15-103, 27-16-202
  - vacation
    - grounds, 27-16-302
    - procedure, 27-16-301
    - time limit for, 27-15-103
- prepayment of expenses, 27-16-208
- rescue, 27-16-209, 27-16-210

ARREST (Continued)

Prejudgment arrest (Continued)
    sheriff's duties, See **COUNTY SHERIFF**, **Arrest, prejudgment**
    sureties of defendant
        acceptance, 27-16-404, 27-16-407
        action to enforce liability, 27-16-504
        applicability of laws, 27-19-306
        arrest of defendant by, 27-16-502
        exoneration, 27-16-501, 27-16-503, 27-16-505
        justification, 27-16-403, 27-16-405, 27-16-406, 27-16-603
        qualifications, 27-16-402, 27-16-403
        sheriff's liability, 27-16-210
        surrender, 27-16-501
    sureties of plaintiff, 27-16-204, 27-16-205
    surrender of defendant or surety
        arrest of defendant by surety, 27-16-502
        effect, 27-16-501, 27-16-503
        manner, 27-16-502
        permitted, 27-16-501
        time, 27-16-501
    undertaking of defendant, on bail
        bail effected by, 27-16-402
        filing, 27-16-404, 27-16-603
        form, 27-16-402
        new undertaking, 27-16-405
        required, 27-16-402
    undertaking of plaintiff, on order, 27-16-204, 27-16-205
Private person, arrest by
    assistance to peace officer, authority when, 46-6-402
    definitions, 46-6-501
    grounds, 46-6-502
    order for, by magistrate, 46-6-103
    prejudgment arrest of defendant by surety, 27-16-502
    shoplifting, for, See **Shoplifting**
    surety on bail, by, 46-9-205
    warrant, method when no warrant, 46-6-106
Probable cause, 46-6-201, 46-6-401
Pursuit, See **Close pursuit**
Railroad personnel, power of, 69-14-1003
Release of arrested person, See **Discharge or release of arrested person**
Rescue, See **Escape**
Residence, arrest at, 46-6-105
Resisting arrest unlawful, 45-7-301
    force not justified, 45-3-108
    informing of intent to arrest not required, 46-6-203
    unlawful arrest, no defense, 45-3-108, 45-7-301
Restraint, amount, 46-6-104
Revenue, Department of — authorized to make arrests when, 16-11-141
Rules of Civil Procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 64
Rules of Evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
Search and seizure, 46-5-101, See **SEARCH AND SEIZURE**
Shoplifting, arrest by private person
    authorization, 46-6-502
    damages, 46-6-503
    definitions, 46-6-501
    procedures, 46-6-503
"Stop" defined, 45-2-101, See **SEARCH AND SEIZURE**
Summons in lieu of, See **CRIMINAL PROCEDURE**, **Summons**
Time
    arrest, of, 46-6-105
    shoplifting, detention for, 46-6-503
Uniform Act on Close Pursuit, 46-6-411, See **Close pursuit**
Unlawful arrest, See **False or unlawful arrest**

ARREST (Continued)

Voters, exemption, 46-6-102
Wardens, fish and game — powers of, 87-1-506
Warrants
  bail specified in, 46-9-303
  complaints, issuance upon, 46-6-201
  contempt, 3-1-513 — 3-1-518, 3-1-521, 3-1-522, 3-10-403, See **CONTEMPT, Arrest and custody**
  contents, 46-6-202
  defect, 46-6-204
  defined, 46-6-101
  directed to peace officer, 46-6-101, 46-6-202
  dismissal, 46-6-204
  effect, 46-6-401
  execution, 46-6-202
  exhibition, 46-6-203
  extradition, for, See **EXTRADITION, To another state**
  form, 46-6-202
  harmless error, 46-6-204
  issuance, 46-6-201, 46-6-303
  manner of arrest, 46-6-203
  number that may issue, 46-6-201
  probable cause required, 46-6-201
  required when, 46-6-105
  rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
  summons in lieu of, See **CRIMINAL PROCEDURE, Summons**
  territorial extent, 46-6-202
  time of arrest, endorsement upon, 46-6-105
  writing required, 46-6-202
Warrants, arrest without
  informing person of intent, 46-6-106
  manner, 46-6-106
  notice to appear, 46-6-404
  probation and parole officer, by, 46-23-1012, 46-23-1023
  release, when no grounds, 46-6-403
  when, 46-6-106
When, See **Grounds; Time**
Witnesses, See **WITNESSES**

ARSON

  See **CRIMES**

ARTERIAL HIGHWAYS

  See **HIGHWAYS, Controlled-access highways**

ARTIFACTS

  See generally **ANTIQUITIES; HISTORICAL SOCIETY**

ARTIFICIAL INSEMINATION

Livestock, See **LIVESTOCK**
Paternity determination, 40-6-106

ARTISANS' LIENS

  See **LIENS, Mechanics' liens**

ARTS

Coal severance tax, allocation of revenue, 15-35-108

ARTS (Continued)

Folklife Preservation Act, Title 22, chapter 2, part 2, See **Montana folklife project**, generally
Folklife project, See **Montana folklife project**
Galleries, tax exemption, 15-6-201
Highway signs or displays advertising, 75-15-111
Historical Society, See **HISTORICAL SOCIETY**
Montana Arts Council
  allocation, 2-15-1511
  appointment to, 2-15-1513, 22-2-102, 22-2-103
  budget requests, 2-15-1511
  compensation, 2-15-1513
  contracts, authorization for, 22-2-108
  contributions, 22-2-107, 22-2-109
  creation, 2-15-1513, 22-2-101
  donations, 22-2-107, 22-2-109
  duties, 22-2-106
  earmarked revenue fund, deposits to, 22-2-107, 22-2-109
  executive committee, 22-2-104
  funding, 22-2-107, 22-2-109
  fund-raising, 22-2-109
  gifts, 22-2-107, 22-2-109
  Montana folklife project, authority, 22-2-203
  officers and employees
    administrative, 22-2-105
    executive, 22-2-103
  purpose, 22-2-101
  term of office, 2-15-1513, 22-2-103
  travel expenses, 22-2-103
Montana Folklife Preservation Act, Title 22, chapter 2, part 2, See **Montana folklife project**, generally
Montana folklife project
  citation of Montana folklife preservation act, 22-2-201
  creation, 22-2-203
  definitions, 22-2-202
  duties, 22-2-205
  powers, 22-2-204
  short title, 22-2-201
Outdoor advertising, 75-15-111
Resource indemnity trust tax to support, 15-38-102, 15-38-103, See **TAXATION, Resource indemnity trust tax**
Rights of artist, protection, See **TRADE REGULATION AND COMPETITION, Invention, rights to**

ASBESTOS

See **BUILDINGS AND BUILDING REGULATIONS; MINES AND MINING**, generally; **STATE LANDS, Nonmetallic mineral leases**, generally

ASH COLLECTION DISTRICTS

See **COUNTIES, Garbage and ash collection districts**

ASSAULT

See also **CRIMES**

Damages, 27-1-223
Dueling, damages, 27-1-223
Protection from, personal right, 49-1-101
Statute of limitations, 27-2-204

ASSAYS AND ASSAYING

See **MINES AND MINING, Samples of ore; MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY**

ASSES

See generally **HERD DISTRICTS, Horse herd districts; Running at large within; LIVESTOCK, Hide dealers; Roundup of abandoned horses; Running at large**

ASSESSMENT

See **TAXATION**

ASSESSORS

See **COUNTY ASSESSOR**

ASSIGNMENTS

Actions, See **CIVIL PROCEDURE, Transfer of interest in action**
Aeronautics
  air carriers, certificate of public convenience and necessity — permission for, 67-3-423
  representatives, assignees as, 67-1-101
Agricultural marketing associations, marketing agreements, 35-17-408, 35-17-409
Banks and trust companies
  liquidation, claims against, 32-1-535
  power to assign, 32-1-107, 32-1-512
Child support debts, 40-5-222
Claims against state, See **STATE FINANCE, Claims for disbursements**
Conservation easements, assignability when, 76-6-205
Contracts for payment of money, 28-2-206
Cooperative associations, assignment of stock, 35-15-403
Corporations
  name, 35-2-301
  shares, liability of assignee, 35-1-510
Creditors
  benefit of, assignment for, See **DEBTS, DEBTORS, AND CREDITORS, Assignment for benefit of creditors**
  defraud, assignment to, See **FRAUDULENT CONVEYANCES**
Defined, 1-1-205
Development credit corporations, power to assign, 32-4-208
Fire department relief association benefits, nonassignability, 19-11-612
Firefighters' unified retirement system benefits, unassignability, 19-13-1004
Fraudulent, See **FRAUDULENT CONVEYANCES**
Hail insurance benefits, assignability, 80-2-245
Insurance
  benefits, See **INSURANCE, Beneficiaries or assignees**, generally
  policies
    assignability, 33-15-414, 33-15-514, 33-20-109, 33-22-215
    loans, secured by, 33-2-825
  unearned premiums, security for, 33-14-102
Insurance guaranty association
  assignees, protection, 33-10-201
  rights of person recovering claim, 33-10-114, 33-10-223
Insurers
  assets or securities, 33-2-606
  liquidation claims, surrender when, 33-2-1358
  liquidators, power regarding, 33-2-1345
Landlord-tenant relationships, effect on, 70-26-105, 70-26-106
Letters of credit, rights, 30-5-111, 30-5-116

ASSIGNMENTS (Continued)

Limited partnerships
  contributor, assignee as, 35-12-601
  interest, assignment, 35-12-1102
  personal representative, rights of, 35-12-1105
  winding up by court, request by assignee, 35-12-1201
Livestock
  possession under, 81-8-312
  security interests, 81-8-301 — 81-8-305
Motor carrier certificates, assignability, 69-12-325
Motor vehicle collisions with animals, damage actions by assigns, 60-7-203
Motor vehicles, security interest in, 61-3-103, 61-3-201, 61-3-603
Nonprofit corporations, name, 35-2-301
Official bonds of assignees, 2-9-505
Partnerships
  interest in partnership, 35-10-504, 35-10-604, 35-10-613
  limited, See **Limited partnerships**
  property rights not assignable, 35-10-502
  winding up by assignee, 35-10-609
Pesticide representatives, assignees as, 80-8-102
Police officers' retirement benefits, nonassignability, 19-9-1006
Proprietary postsecondary educational institutions, assignees of evidence of indebtedness — liability, 20-30-402
Radioactive substance licenses, nonassignability, 75-3-202
Railroad corporation stock held by assignee, sale when, 69-14-505
Rental agreements, effect on, 70-26-105, 70-26-106
Retirement benefits, nonassignability
  firefighters, 19-11-612
  police officers, 19-9-1006
Salary, See **WAGES**
Sales rights, 30-2-210
Securities
  corporate, liability of assignee, 35-1-510
  endorsement, as, 30-8-308
  fiduciary, See **SECURITIES AND SECURITIES REGULATION**, **Fiduciary transfers**
Security interest, See **SECURED TRANSACTIONS**
Small claims court, assigned claims prohibited, 25-34-105, 25-35-505
State lands
  agricultural, grazing, and city lot leases, 77-6-208
  certificates of purchase, 77-2-334
    reinstatement, application by assign, 77-2-333
  easement proceedings, assignee as party to, 77-2-103
  mining leases or prospecting permits, 77-3-105
  oil and gas leases, 77-3-406, 77-3-438, 77-3-441
  sales
    default by assignee, 77-2-332
    interest of assignee, 77-2-315
Trademarks and service marks, 2-6-103, 30-13-315
Utilities
  relocated facilities, operation and maintenance by assigns, 60-4-402
  rural cooperatives, power, 35-18-106
Wages, See **WAGES**

ASSISTANCE, PUBLIC

  See **PUBLIC ASSISTANCE**

ASSOCIATIONS

Actions
  class action by shareholders, Title 25, chapter 20, M.R.Civ.P., Rules 23.1, 23.2

ASSOCIATIONS (Continued)

Actions (Continued)
    deposition of, See **DEPOSITIONS, Organization**
    interrogatories, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
    name in, effect of judgment, 25-5-104
    service of process on, Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4D
    small claims court, 25-34-105, 25-35-505
    witnesses, employees as, Title 25, chapter 20, M.R.Civ.P., Rule 43(b)
Agricultural, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**
Architects, prohibited from registering as, 37-65-302
Assumed business name, See **NAMES**
Benevolent, See **BENEVOLENT ASSOCIATIONS**
Business trusts, 35-5-104, See **CORPORATIONS**
Cemetery, See **CEMETERIES**
Cooperative, See **COOPERATIVE ASSOCIATIONS**
Depositions of, See **DEPOSITIONS, Organization**
Electrical contractors, business as, 37-68-103, 37-68-322
Engineering, professional — exemption from licensing provisions when, 37-67-103
Fire department relief associations, formation, 19-11-102
Fraternal benefit societies, See **FRATERNAL BENEFIT SOCIETIES**
Group disability insurance, See **INSURANCE — DISABILITY**
Guaranty, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
Insurance
    administrators, as, 33-17-601, See also **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS, Administrators**
    group disability, See **INSURANCE — DISABILITY**
    indemnify, to, See **SURETYSHIP AND SURETIES**
    joint underwriting associations, See **INSURANCE — DISABILITY, Extended health insurance for older persons**
Joint underwriting associations, See **INSURANCE — DISABILITY, Extended health insurance for older persons**
Landscape architects, prohibited from licensing as, 37-66-303
Land surveying, practice of — exemption from licensing provisions when, 37-67-103
Livestock protective, See **LIVESTOCK PROTECTIVE ASSOCIATIONS**
Lobbying and lobbyists, See **LOBBYING AND LOBBYISTS**
Massachusetts trusts, 35-5-104, See **CORPORATIONS, Business trusts**
Mortgages, execution — governing law, 71-1-112
Motor carriers, as, See **MOTOR CARRIERS**
Motor vehicle dealers, See **MOTOR VEHICLE DEALERS**
Oil or gas unit operation does not create, 82-11-216
Pipeline carriers, as, See **PIPELINE CARRIERS**
Real estate broker provisions
    exempt from, association to be, 37-51-103
    licensing as broker by association, prohibited, 37-51-301
Rural cooperative utilities, See **UTILITIES, RURAL COOPERATIVES**
Service of process on, Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4D
Taxation, 15-31-101, See **TAXATION, Corporations**, license tax
Unclaimed property, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
Utilities, See **UTILITIES, RURAL COOPERATIVES**

ASSUMED BUSINESS NAME

    See **NAMES**

ASSUMPTION OF RISK, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)

ATHLETIC EVENTS

See **SPORTS AND SPORTING EVENTS**

ATHLETIC FIELDS

See **RECREATION**, **Municipalities**

ATMOSPHERIC WATER

See **WEATHER MODIFICATION**

ATOMIC ENERGY

See **NUCLEAR ENERGY; RADIOACTIVE SUBSTANCES**

ATTACHMENT OF PERSONS

See **ARREST**

ATTACHMENT OF PROPERTY

See also **LIENS**, generally; **PERSONAL PROPERTY**, **Actions**; **REAL PROPERTY**, **Actions**; **REMEDIES**, generally; **SPECIAL PROCEEDINGS**, generally

Affidavits
  defenses, as evidence for, 27-18-712
  holder of property, for examination under oath, 27-18-503
  plaintiff
    alias writ, no new affidavit, 27-18-207
    amendment, 27-18-713
    contents, 27-18-202
    debt not yet due, when, 27-18-203
    description of property, 27-18-202
    justice's court, 27-18-1501
    required, 26-1-1002, 27-18-202
  secured party, 27-18-414
  security, for increase, 27-18-726
  third persons, 27-18-602
  writ, for modification or vacation, 27-18-726
Appeals
  calendar precedence, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
Applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 64
  execution, 25-13-501, 25-13-503, 27-18-102, 27-18-801, 27-18-802
  justice's court, 27-18-1501, 27-18-1506
Attachment book, 27-18-112
Availability as remedy, 27-18-101, 27-18-202, 27-18-203
  counterclaim of defendant, 27-15-102
  election among remedies, 27-15-101
Banks and trust companies
  deposits of minors, 32-1-444
  property of, attachment prohibited, 32-1-111
Building and loan associations
  foreign associations, stock of, 32-2-224
  minors' shares in, 32-2-418
Certificate of defendant's interest, 27-18-502, 27-18-503
Child support debts, for, See **CHILD SUPPORT**, **Administrative enforcement**, property
Clerk of the district court, duties, See **CLERK OF THE DISTRICT COURT**
Contracts, remedy, 27-18-101

ATTACHMENT OF PROPERTY (Continued)

Corporate securities
  certificate of defendant's interest, 27-18-502, 27-18-503
  manner, 27-18-409, 27-18-410
  service upon secretary of state, 27-18-411
  subject to attachment, 25-13-501, 27-18-102
Costs
  defendant, award to, 27-18-204
  memorandum of debts and credits for inventory, 27-18-603
  security for, 27-18-305, 27-18-1505
  service upon secretary of state, 27-18-411
Counterclaim of defendant, availability to defendant, 27-15-102
County clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
County sheriff, duties, See **COUNTY SHERIFF**
Court record, when open to public, 27-18-111
Credits, See **Debts and credits**
Custody of attached property, 27-18-601
Death of defendant, effect, 27-18-308
Debts and credits
  debts not yet due, 27-18-203, 27-18-901
  inventory, 27-18-603
  manner of attachment generally, 27-18-405
  memorandum for inventory, 27-18-603
  public officer, in control of, 27-18-406
  subject to, 25-13-501, 27-18-102
  third persons, in control of, 27-18-407
Decisions on, time limit, 27-15-103
Defenses
  discharge of writ, See **Discharge**
  modification of writ, 27-18-725, 27-18-726
  postseizure hearing, 27-18-701
  quashing of writ, 27-18-702
  release, See **Release of property**
  security, increase, 27-18-725, 27-18-726
  sureties, exception to, 27-18-715, 27-18-716
  vacation of writ, 27-18-716, 27-18-725, 27-18-726
Discharge
  filing of order, 27-18-731
  grounds, 27-18-711
  judgment for defendant, effect, 27-18-902
  motion for, 27-18-711
    affidavit for, 27-18-712
    decision, 27-18-713
  release of property when, 27-18-721
Documents of title, goods covered by, 30-7-602
Earnings, 25-13-614, 27-18-102
Effect, 27-18-201
Election as a remedy, 27-15-101
Estates, defendant's interest in, 27-18-412
Examination under oath of defendant or controlling party, 27-18-501, 27-18-503
Execution
  applicability of laws, 25-13-501, 25-13-503, 27-18-102, 27-18-801, 27-18-802
  balance due on judgment, 27-18-905, 27-18-906
  judgment, upon, 27-18-903, 27-18-905
  liability to, 25-13-501, 27-18-903
  undertaking, See **Undertaking of defendant**; **Undertaking of plaintiff**
  writ, See **Writ**
Exemptions from
  automobile, 25-13-617
  bank deposits of minors, 32-1-444
  bank property, 32-1-111
  building and loan associations, minor's shares in, 32-2-418
  cooperative association, shares in, 35-15-404

ATTACHMENT OF PROPERTY (Continued)

Exemptions from (Continued)
  earnings, 25-13-614, 27-18-102
  execution, when exempt from, 27-18-102
  fire department relief associations' benefits, 19-11-612
  firefighters' unified retirement system benefits, 19-13-1004
  fraternal benefit society benefits, 33-7-511
  game wardens' retirement funds or benefits, 19-8-805
  hail insurance benefits, 80-2-245
  highway patrolmen's retirement funds or benefits, 19-6-705
  judges' retirement funds or benefits, 19-5-704
  minor's deposits in
    banks, 32-1-111
    building and loan associations, 32-2-418
  motor vehicle, 25-13-617
    financial responsibility, moneys or securities for proof of — when, 61-6-138
  partnership interest, 35-10-502
  police officers' retirement benefits, 19-9-1006, 19-10-504
  public employees' retirement fund or benefits, 19-3-105
  sheriffs' retirement funds or benefits, 19-7-705
  teachers' retirement funds or benefits, 19-4-706
  tort claims or judgments, 2-9-318
  truck, 25-13-617
  wages, 25-13-614, 27-18-102
Extent, 27-18-306
Fees, secretary of state, 27-18-411
Fraudulent conveyance, remedy, 31-2-321
Grazing district preferences, when, 76-16-405
Grounds, 27-18-101, 27-18-202, 27-18-203
  insufficiency, 27-18-702
Hearing after seizure, 27-18-701
Human remains, unlawful, 35-21-703
Indemnification of sheriff, 27-18-602
Insurers
  lien obtained by, 33-2-1353
  liquidation, actions to forestall, 33-2-1345
  prevention when, 33-2-1309, 33-2-1386
Inventory of property, 27-18-603
Investment companies, See **Banks and trust companies**
Issuance, See **Writ**
Judgment
  attachment of judgment, 27-18-408
  balance due, 27-18-905, 27-18-906
  debt not yet due, when, 27-18-901
  defendant, recovery by, 27-18-902
  execution upon, 27-18-903, 27-18-905, 27-18-906
  payment, 27-18-904
  plaintiff, recovery by, 27-18-903
  priority of execution, 27-18-601, 27-18-903
  security for judgment, attachment as, 27-18-102, 27-18-201, 27-18-601; Title 25, chapter 20, M.R.Civ.P., Rule 70
Justices' courts, in
  affidavit of plaintiff, 27-18-1501
  applicability of laws, 27-18-1501, 27-18-1506
  constables, duties, See **CONSTABLES**
  costs, security for, 27-18-1505
  docketing, 3-10-501
  procedure generally, 27-18-1506
  sheriff, duties, See **COUNTY SHERIFF**
  sureties of defendant, 27-18-1504
  sureties of plaintiff, 27-18-1502, 27-18-1503
  undertaking of defendant, 27-18-1504
  undertaking of plaintiff, 27-18-1502

ATTACHMENT OF PROPERTY (Continued)

Justices' courts, in (Continued)
  writ
    content, 27-18-1504
    form, 27-18-1504
    issuance, 27-18-1501
    vacation, 27-18-1503
Liens
  arises when, 27-18-307
  effect
    officers' liens, 71-3-1503
    salaries and wages, liens for, 71-3-303, 71-3-305
  enforcement, 27-18-308
  extent, 27-18-307
  security, motion to increase by lienholder, 27-18-725, 27-18-726
  writ, motion to modify or vacate by lienholder, 27-18-725, 27-18-726
Livestock, taking possession by, 81-8-311, 81-8-313 — 81-8-315
Lotteries, prize when, 23-5-208
Mineral leases, action for release, 82-1-202
Minors
  banks and trust companies, deposits in, 32-1-444
  building and loan associations, shares in, 32-2-418
Motor vehicles, 61-3-103
Municipal court, 25-30-101
Notice
  attachment book, entry in, 27-18-112
  discharge, motion to, 27-18-711, 27-18-721
  estate, defendant's interest in, 27-18-412
  judgment, notice to clerk of district court, 27-18-408
  memorandum for inventory, 27-18-603
  postseizure hearing, right to, 27-18-701
  real property, 27-18-402, 27-18-403
  sale of property, 27-18-903
    application for order for, 27-18-803
  securities, 27-18-409, 27-18-410
  security for attached property, motion to increase, 27-18-726
  security interest, property subject to, 27-18-414
  show cause hearing, 27-18-205
  sureties, justification, 27-18-716, 27-18-1503
  third persons
    claim by, notice of, 27-18-602
    property in control of, notice to, 27-18-405
  writ, motion to modify or vacate, 27-18-726
Partnership interest, 35-10-502, 35-10-506
Perishable property, 27-18-801, 27-18-903
Personal property, specific provisions, See also specific kind of personal property in this main category
  documents relating to property, custody, 27-18-401
  manual delivery, property capable of — manner of attachment, 27-18-404, 27-18-501
  manual delivery, property not capable of — manner of attachment, 27-18-405
  security interest, when subject to, See **Secured transactions**
  third persons, in control of — manner of attachment, 27-18-404, 27-18-405, 27-18-407
Postseizure hearing, 27-18-701
Proceedings in aid of
  certificate of interest, 27-18-502, 27-18-503
  examination under oath of defendant or party controlling property, 27-18-501, 27-18-503
Property subject to, 27-18-102, See also specific type of property; **Exemptions from**
Public officers
  manner of attaching property in control of, 27-18-406
  official records, enforcement of delivery, 2-6-108
Railroads, freight line company property, 15-55-107
Real property, specific provisions
  another's name, manner of attaching property held in, 27-18-403

ATTACHMENT OF PROPERTY (Continued)

Real property (Continued)
  challenge, 27-18-701
  defendant's name, manner of attaching property held in, 27-18-402
  title, evidences of — custody, 27-18-401
Records, 27-18-111, 27-18-112
Redemption
  affidavit of attachment, service with notice to sheriff, 25-13-807
  procedure, See **EXECUTION**, **Redemption**
  right of, 25-13-801
Release of property
  death of party does not release, 27-18-308
  discharge, upon application for, 27-18-721
  effect, 27-18-721
  filing, 27-18-731, 27-18-732
  judgment, recovery by defendant, 27-18-902
  real property, when action not prosecuted, 27-18-732
  security, upon motion to increase, 27-18-725, 27-18-726
  sureties, justification for, 27-18-722
  when, 27-18-721, 27-18-725
  writ, upon motion to vacate or modify, 27-18-725, 27-18-726
Remains, human — unlawful, 35-21-703
Sale of property
  application for order, 27-18-803
  balance due on judgment, to satisfy, 27-18-903
  certificate of sale, effect, 25-13-709
  defendant, recovery of judgment by, 27-18-902
  order for, 27-18-802, 27-18-803
  perishable property, 27-18-801, 27-18-903
  permitted, 27-18-102
  plaintiff, recovery of judgment by, 27-18-903
  proceeds, disposition, 27-18-802, 27-18-902, 27-18-903
  redemption, See **Redemption**
  release of attachment, effect, 27-18-721
  security agreement, when property subject to, 27-18-804
Savings and loan associations, See **Building and loan associations**
Savings banks, See **Banks and trust companies**
Secured transaction
  manner of attachment, 27-18-413
  sale of property, 27-18-804
  secured party's duty, 27-18-414
  transfer of debtor's rights by, 30-9-311
Securities, See also **Corporate securities**
  certificate of interest when held by another, 27-18-502, 27-18-503
  manner, 27-18-409, 30-8-317
  statutory liability, for, 27-18-101
  subject to, 27-18-101, 27-18-102
Security
  costs, for, 27-18-305
  judgment
    attachment as security, 27-18-102, 27-18-201, 27-18-601; Title 25, chapter 20, M.R.Civ.P., Rule 70
    given for, attachment prohibited, 27-18-101
Service
  postseizure hearing, notice of right to, 27-18-701
  writ, See **Writ**
Sheriff's duties, See **COUNTY SHERIFF**
Sheriff's sale, See **Sale of property**
Small claims court, unavailable in, 25-34-202
Sureties of defendant
  justice's court, 27-18-1504
  justification, 27-18-721, 27-18-722

ATTACHMENT OF PROPERTY (Continued)

Sureties of defendant (Continued)
    permitted in lieu of seizure, 27-18-301
    release of property, in proceedings for, 27-18-721, 27-18-722
Sureties of plaintiff
    exceptions to, 27-18-715
    justice's court, 27-18-1503
    justification, 27-18-716
    required, 27-18-204
Taxes, for, 15-16-502, See also **TAXATION**, **Tax sales**
    freight line company property, 15-55-107
    tax-exempt property, 15-24-1205
Third parties
    claim of attached property by, 27-18-602
    possession of property by
        certificate of interest, 27-18-502, 27-18-503
        examination under oath, 27-18-501
        manner of attachment, 27-18-404, 27-18-405, 27-18-407
Time for
    decisions, 27-15-103
    writ, 27-18-201, 27-18-203
        recording, 27-18-112
Trust companies, See **Banks and trust companies**
Undertaking of defendant
    defense against attachment, 27-18-301, 27-18-302
    judgment for defendant, effect, 27-18-902
    justice's court, 27-18-1504
    prosecution by plaintiff, 27-18-906
    release of property, for, 27-18-721, 27-18-722
Undertaking of plaintiff
    alias writ, not required, 27-18-207
    amendment, 27-18-713
    amount, 27-18-204
    approval, 27-18-204
    increase, 27-18-725, 27-18-726
    justice's court, 27-18-1502
    required, 27-18-204
Wages, 25-13-614, 27-18-102
When, See **Grounds**; **Time for**
Writ, See also **WRITS**, generally
    affidavit required, 27-18-202, 27-18-205
        justice's court, 27-18-1501
    alias writs, 27-18-207, 27-18-303, 27-18-603
    attachment book, entry, 27-18-112
    contents, 27-18-301
        justice's court, 27-18-1504
    costs, 27-18-305
        justice's court, 27-18-1505
    defect, 27-18-711, 27-18-713
    description of property, 27-18-304, 27-18-402
    directions to sheriff, 27-18-301
        justice's court, 27-18-1504
    discharge, See **Discharge**
    endorsement, 27-18-303, 27-18-604
    entry in attachment book, 27-18-112
    execution, 27-18-303, 27-18-306
    filing
        estates, writ for interest in, 27-18-412
        real property, for, 27-18-402, 27-18-403
        recording, 27-18-112
    form, 27-18-301
        justice's court, 27-18-1504
    inventory to accompany, 27-18-603

ATTACHMENT OF PROPERTY (Continued)

Writ (Continued)
- issuance
  - affidavit required, 27-18-202, 27-18-205
  - alias writ, 27-18-207
  - irregularity or impropriety, 27-18-711, 27-18-713
  - justice's court, 27-18-1501
  - several counties, in, 27-18-206, 27-18-207
  - undertaking required, 27-18-204, 27-18-205
  - when, 27-18-205
- justice's court, See **Justices' courts**
- modification, 27-15-103, 27-18-725, 27-18-726
- quashing, 27-18-702
- release from, See **Release of property**
- return of service
  - court record not to be public until, 27-18-111
  - inventory to be returned with, 27-18-603
  - time, 27-18-604
- security for costs, 27-18-305
  - justice's court, 27-18-1505
- service
  - clerk of the district court, upon, 27-18-408
  - corporate securities, for, 27-18-410, 27-18-411
  - costs, 27-18-305, 27-18-411
  - debts and credits, writs for, 27-18-405, 27-18-406
  - estate, writ for interest in, 27-18-412
  - judgment, writ for, 27-18-408
  - personal property, writs for, 27-18-404 — 27-18-406
  - personal representative, upon, 27-18-412
  - publication, by, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - public officers, writs for property in control of, 27-18-406
  - secretary of state, upon, 27-18-410, 27-18-411
  - securities, writs for, 27-18-409 — 27-18-411
- set aside, time for decision, 27-15-103
- several counties, issuance in, 27-18-206, 27-18-207, 27-18-303, 27-18-603
- several writs, issuance of, 27-18-207, 27-18-303, 27-18-603
- show cause hearing, 27-18-205
- showing, prima facie — of grounds, 27-18-205
- time for
  - decision, 27-15-103
  - justice's court, 27-18-1501
  - writ, 27-18-201, 27-18-203
    - recording, 27-18-112
- undertaking required, 27-18-204, 27-18-205
- vacation, 27-18-716, 27-18-725, 27-18-726
  - justice's court, 27-18-1503
  - time limit for decision, 27-15-103
- written specification of property when, 27-18-304

ATTACK

See **EMERGENCIES AND EMERGENCY POWERS**, generally

ATTEMPT, 45-4-103

ATTENDANCE OF WITNESSES FROM WITHOUT STATE IN CRIMINAL PROCEEDINGS, UNIFORM ACT TO SECURE, 46-15-111 — 46-15-114

ATTENTION HOMES

See **FOSTER HOMES**, generally

ATTORNEY GENERAL

See also generally **EXECUTIVE BRANCH; PUBLIC OFFICERS**

Abortion violations, report to, 50-20-105
Administrative register, opinions published in, 2-4-312
Administrative rules
  copy distributed to, 2-4-313
  model, duties regarding, 2-4-202
Advisory councils, creation, 2-15-122
Agriculture, Department of — representation when, 80-4-234
Air carriers and operators, violations by — action to enforce, 67-3-427
Air quality violations, recovery of civil penalty, 75-2-413
Alcoholic beverages
  action for abatement of public nuisance when, 16-6-313
  delinquent beer tax, prosecution of actions to collect, 16-1-409
Annual reports, See **EXECUTIVE BRANCH, Reports**
Appeals involving
  constitutional questions, Title 25, chapter 21, M.R.App.Civ.P., Rule 38
  state, notice, 25-1-502, 46-1-302
Assistants, qualifications, 2-15-502
Attorneys at law
  complaints against, procedures, 37-61-304, 37-61-305
  disbarment proceedings, appointment of special investigator, 37-61-306
Autopsy, required by, 46-4-103
Bank Act, prosecution of violations, 32-1-110
Barber school operator's bonds, approval, 37-30-404
Boards, counsel for
  natural resources and conservation, 75-5-641
  nursing, 37-8-201
  optometrists, 37-10-312
  pardons, 46-23-105
  pharmacists, 37-7-203
  physical therapy examiners, 37-11-202
  public employees' retirement, 19-3-301
  realty regulation, 37-51-206
Boards, member of
  examiners, 2-15-501, 2-15-1007
  land commissioners, 2-15-501
Bonds of state officers and employees, approval of form, 2-9-602
Building and loan associations, insolvency — action in, 32-2-309
Bureau of Criminal Investigation, See **Criminal Investigation, Bureau of**
Carriers, recovery of penalties from, 69-2-205
Coal invoices
  inspection, 82-3-203
  prosecution of violations, 82-3-204
Commerce, Department of — approval of attorneys employed by, 37-18-202
Commitment forms prescribed by, 2-15-501
Communications system, See **Law enforcement teletypewriter communications system**
Confidential license plates and registration
  application to, 44-4-204, 44-4-205
  issuance by, 44-4-201
  records, disclosure, 44-4-203
  return to, 44-4-206
  revocation by, 44-4-206
  rulemaking authority, 44-4-202
Conservation districts, assistance, 76-15-319
Constitutional questions
  declaratory relief, service upon when, 27-8-301
  intervention when state is not a party, Title 25, chapter 20, M.R.Civ.P., Rule 24(c)
  supreme court, certification to when in, Title 25, chapter 21, M.R.App.Civ.P., Rule 38
Consumer Counsel fees, recovery of penalties for nonpayment, 69-2-205
Consumer loan businesses, action to enjoin violation of provisions, 32-5-405

ATTORNEY GENERAL (Continued)

Consumer protection, prosecution, 30-14-121
Contract disputes with state
    litigation responsibilities, 18-1-413
    service of process upon, 18-1-412
Corporation management, inquiries into, 2-15-201
Corporations, duties
    dissolution, 35-1-110, 35-6-102
    foreign corporations, transaction of business without certificate, 35-1-1004
    injunction, 35-1-110
    nonprofit corporations, 35-2-110, 35-2-802
    professional corporations, dissolution, 35-4-216
    taxation
        action to collect, 15-31-526
        penalties, enforcement, 15-31-543
Cosmetics violations, prosecution, 50-31-505
Cosmetology provisions, proceedings for relief from violations, 37-31-334
County attorneys
    actions against, 77-1-114
    assistance to, 2-15-201, 2-15-501
    reports from, 2-15-501
    supervision, 2-15-501
County attorney training coordinator, assignment of duties to, 44-4-103
Criminal identification, report on officer failing to provide information, 44-2-205
Criminal Investigation, Bureau of, See also **CRIMINAL INVESTIGATION, BUREAU OF**
    creation within office of, 2-15-2003, 44-2-101
    personnel, supervision, 44-2-102, 44-2-112
Criminal proceedings
    appeals when state involvement, notice to, 46-1-302
    autopsy, required by, 46-4-103
    extradition
        expenses, audit by, 46-30-411
        investigation for, 46-30-212
    grand jury, assistance to and presence at proceedings, 46-11-315
    habeas corpus, service on, 46-22-206
    investigative subpoena
        examination of witnesses, 46-4-304, 46-4-305
        request by, 46-4-301
    notice to, 46-1-301, 46-1-302
    postconviction proceedings, notice, 46-21-201
    state involvement, notice to, 46-1-301, 46-1-302
Declaratory relief, service upon when, 27-8-301
Dentists, action for injunction against, 37-4-328
Drugs
    dispensation violations by medical practitioners, responsibility for actions regarding, 37-2-105
    food, drug, and cosmetic act violations — prosecution, 50-31-505
Duties generally, 2-15-501
Election duties
    ballot issues
        arguments, improper — approval of rejection, 13-27-408
        ballot form, approval, 13-27-310, 13-27-313, 13-27-315
        committees for arguments for and against, appointment, 13-27-402
        fiscal statement, 13-27-312, 13-27-315, 13-27-316, 13-27-501
        petition, approval, 13-27-202, 13-27-312
        statements of implication or purpose, 13-27-312, 13-27-315, 13-27-316, 13-27-501
    campaign violations, deputy attorneys general to prosecute, 13-37-113
    constitutional amendments, summary for notice, 13-27-311
    state canvassers, member of board, 13-15-502
Election of
    applicability of laws, 2-16-201

ATTORNEY GENERAL (Continued)

Election of (Continued)
    ballot arrangement, 13-12-207
    tie vote, 13-16-504
Eminent domain proceedings instituted by, when, 60-4-104
Escheated estates — unclaimed property, assistance in rulemaking, 70-9-105
Examiners, Board of — member, 2-15-501, 2-15-1007
Extradition, See **Criminal proceedings**
Facility siting violations, actions concerning, 75-20-408
Finance companies, action to enjoin violation of provisions, 32-5-405
Fire Marshal Advisory Council, See **FIRE MARSHAL BUREAU, Advisory council**
Fire Marshal Bureau, supervision and control, See **FIRE MARSHAL BUREAU**
    acting fire marshal, appointment, 50-3-105
Fire protection
    report from fire marshal, 50-3-102
    violations, injunction, 50-61-118
Fish and game laws
    compilation, cooperation for, 87-1-405
    enforcement, 87-1-105
Fish, Wildlife, and Parks — Department of, legal advisor for, 87-1-105
Food violations, prosecution, 50-31-505
Foreign corporations, prosecutory authority, 35-1-1004, 35-2-802
Forensic Science, Division of — personnel employed by, 44-3-106
Former, defense by — prohibited, 37-61-413, 37-61-415
Fraternal benefit societies, violations — actions brought by, 33-7-115
Funds, accounting, 2-15-501
Gasoline and petroleum products, handling of complaints and violations, 82-15-204
Grand jury, assistance to and presence at proceedings, 46-11-315
Habeas corpus, service on, 46-22-206
Habitual traffic offenders
    complaint, notification and filing, 61-11-206
    records certified to, 61-11-204
Hazardous waste violations, recovery of civil penalty, 75-10-417
Health care facilities — violations generally, injunction, 50-5-108
Highway patrol
    chief
        appointment, 44-1-201
        duties, approval, 44-1-303
        salary, setting, 44-1-203
    supervisory authority, 44-1-301
Highways, Department of — eminent domain proceedings instituted for, when, 60-4-104
Hospitals, See **Health care facilities**
Human Rights, Commission for — legal counsel for, 49-2-201
Inability to perform duties, See **PUBLIC OFFICERS, Vacancy in office**
Injunction application by, bond not required, 27-19-204
Insurance agents, surplus line — recovery of premium tax and penalty, 33-2-312
Insurance, prohibited practices and violations
    actions instituted through, 33-18-1003
    cease and desist orders, penalty for violation — petition to recover, 33-18-1005
Insurers
    domestic stock and mutual, approval of articles of incorporation, 33-3-202
    examination expenses and charges — recovery, 33-1-413
    farm mutual, approval of articles of incorporation, 33-4-203
Intervention by, Title 25, chapter 20, M.R.Civ.P., Rule 24(c)
Investigative subpoenas, See **Criminal proceedings**
Judgments concerning state, duties regarding, 2-15-501
Justice, Department of — head, 2-15-2001
Land Commissioners, Board of — member, 2-15-501
Law enforcement academy, report on activities to, 44-10-202
Law enforcement teletypewriter communications system
    charges, monthly — establishment, 44-2-312, 44-2-313
    establishment, 44-2-301
    federal funding, arrangement for, 44-2-303

ATTORNEY GENERAL (Continued)

Law enforcement teletypewriter communications system (Continued)
  fiscal supervision, 44-2-312, 44-2-314
  participants, approval, 44-2-311
  payments to, 44-2-313
  powers generally, 44-2-302
  report to legislature, 44-2-304, 44-2-314
Law partner, defense by — prohibited, 37-61-412
Legal assistance program administrative hearings, examiners for, 2-4-611
Legislative
  auditor, penal statute violations reported by, 5-13-304
  audits, prosecution power of disclosed offenses, 5-13-310
License plates and registration, confidential, See **Confidential license plates and registration**
Limited partnerships, restraint of foreign partnership when failure to register, 35-12-1308
Litigation on behalf of state, responsibilities, 2-15-201, 2-15-501, 18-1-413
Livestock, Department of — prosecution of Montana quality label violations, 81-8-705
Loan companies, action to enjoin violation of provisions, 32-5-405
Lobbying violations, actions brought by, 5-7-305
Local government general obligation bond proceedings review, 7-7-101, 7-7-103
Lottery prize, recovery, 23-5-208
Medical practitioners, drug dispensation violations by — responsibility for actions regarding, 37-2-105
Militia, defense of members, 10-1-601
Milk price control violations, representation, 81-23-406
Mines and mining
  coal invoices, See **Coal invoices**
  fraudulent financing of companies, prosecution, 30-14-703
  metal mines
    reclamation costs, recovery, 82-4-341
    violations — prosecution, recovery of penalties, 82-4-361
  opencut mining violations, prosecution, 82-4-441
  strip and underground mining operations
    reclamation by board of land commissioners, restraint of interference, 82-4-239
    violations — prosecution, recovery of penalties, 82-4-254
  strip and underground mining, siting — prosecution of violations, recovery of penalties, 82-4-141
Montana quality label violations, prosecution, 81-8-705
Montana university system, action concerning misuse of name, 20-25-102
Motor carriers, recovery of penalties from, 69-2-205
Motor pool provisions, applicability, 2-17-411
Motor vehicle graveyards and wrecking facilities, actions concerning, 75-10-541
Motor vehicles, confidential licensing and registration, See **Confidential license plates and registration**
Multistate Tax Advisory Committee, member, 15-1-604
Multistate Tax Commission, attendance at meetings, 15-1-601
Natural Resources and Conservation, Board of — representation when, 75-5-641
Nonprofit corporations, duties, 35-2-110, 35-2-803
Nursing, Board of — attorney for, 37-8-201
Oath, recording in supreme court, Title 25, chapter 21, M.R.App.Civ.P., Rule 19
Office, location, 2-16-111
Official records, See **PUBLIC RECORDS, Executive branch officers**
Oil and gas
  injunction or restraining order against, 82-11-145
  privilege and license tax assessments, prosecution when delinquent, 82-11-133
Oil companies, prosecution of fraudulent financing, 30-14-703
Opencut mining violations, prosecution, 82-4-441
Opinions
  administrative register, publication in, 2-4-312
  duty to give, 2-15-501
Optometrists, Board of — legal counsel for, 37-10-312
Pardons, Board of — counsel for, 46-23-105
Partner in law, defense by — prohibited, 37-61-412

ATTORNEY GENERAL (Continued)

Pharmacists, Board of — attorney for, 37-7-203
Physical Therapy Examiners, Board of — legal counsel for, 37-11-202
Pipeline carriers
  enforcement of provisions, 69-13-102
  penalties, recovery actions, 69-2-205, 69-13-105
Postconviction proceedings, notice, 46-21-201
Professional corporations, notice of dissolution, 35-4-216
Professional Engineers and Land Surveyors, Board of — legal adviser for, 37-67-332
Property of judgment debtors, duties regarding, 2-15-501
Prosecution, See **Criminal actions**
Psychologists, Board of — attorney for, 37-17-201
Public Employees' Retirement Board, legal counsel for, 19-3-301
Public officers or employees
  complaints concerning, 17-8-104
  prosecution of violations by, 2-7-515
Public Service Commission
  actions by, enforcement, 69-14-134
  attorney for, as, 69-14-132
  special counsel, approval, 69-14-132
Public utilities, See **Utilities**
Quo warranto proceedings
  calendar precedence, request for, 27-28-106
  commencement by, 27-28-103
Railroads
  enforcement proceedings, 69-14-131, 69-14-132, 69-14-134
  recovery of penalties from, 69-2-205
  violations reported to, 69-14-131
Realty Regulation, Board of — attorney for, 37-51-206
Records, official, See **PUBLIC RECORDS, Executive branch officers**
Register to be kept, 2-15-501
Reports by
  annual, See **EXECUTIVE BRANCH, Reports**
  governor, to, 2-15-501
Reports to, law enforcement academy, 44-10-202
Reserved Water Rights Compact Commission, member designated by, 2-15-212
Rulemaking powers, 2-15-112
Salary, 2-16-405, See also **SALARIES, State officers**
Savings and loan associations, insolvency — action in, 32-2-309
School bond issue proceedings, certified copies
  examination and report, 20-9-463
  submission to, 20-9-462
Securities
  broker-dealer examination costs, recovery, 30-10-210
  criminal offenses, prosecution, 30-10-306
Service of process, issuance, 2-15-501
Small claims court, preparation of instruction pamphlet, 25-35-601
Snowmobiles, suit for sales violations, 23-2-641
Solid waste management actions, 75-10-231
Special education cooperative contracts, approval, 20-7-453
Speed limit for motor vehicles, declaration, 61-8-304, 61-8-305
State, actions involving
  criminal, notice, 46-1-301, 46-1-302
  intervention by, Title 25, chapter 20, M.R.Civ.P., Rule 24(c)
  notice, 25-1-501, 25-1-502, 46-1-301, 46-1-302
  summons, copy to, Title 25, chapter 20, M.R.Civ.P., Rule 4D
State agency thefts, notification, 5-13-309
State lands
  conduct of actions affecting, 77-1-111
  sales, recovery of forfeitures, 77-2-323
State Records Committee, representation on, 2-15-1013
Support, reciprocal enforcement
  appeals by, 40-5-135

ATTORNEY GENERAL (Continued)

- **Support, reciprocal enforcement** (Continued)
  - duties generally, 40-5-119
  - obligee, representation when, 40-5-113, 40-5-119, 40-5-139
  - prosecution transferred to, when, 40-5-118, 40-5-119, 40-5-139
- **Supreme court**, to attend, 2-15-501
  - decisions to, 3-2-604
  - oath, recording, Title 25, chapter 21, M.R.App.Civ.P., Rule 19
- **Taxation**
  - corporate taxes
    - action to collect, 15-31-526
    - penalties, enforcement, 15-31-543
  - gasoline license tax, collection, 15-70-210
  - income tax
    - action to collect, 15-30-322
    - penalties, recovery on, 15-30-321
    - records, disclosure to, 15-30-303
  - investigations, to institute proceedings to recover expenses, 15-1-301
  - multistate tax advisory committee, member, 15-1-604
  - multistate tax commission, attendance at meetings, 15-1-601
  - witnesses, to compel testimony and evidence, 15-1-302, 15-2-201
- **Teletypewriter communications system**, See **Law enforcement teletypewriter communications system**
- **Textbook dealers' surety bonds**
  - approval, 20-7-604
  - collection, 20-7-605
  - forfeiture, proceedings for, 20-7-607
- **Timber sale agreements**, breach — duties, 77-5-203
- **Unclaimed property**, assistance in rulemaking, 70-9-105
- **Unfair trade practices**, prosecution, 30-14-222
- **University system, Montana** — action concerning misuse of name, 20-25-102
- **Utilities**
  - enforcement duties generally, 69-3-110
  - recovery of penalties from, 69-2-205
  - violations reported to, 69-3-110
- **Vacancy in office**, See **PUBLIC OFFICERS**
- **Veterans**, representation in court, 10-2-226
- **Veterinarians, Board of** — representation, 37-18-202
- **Witnesses**, subpoena of, 26-2-508, 26-2-510

ATTORNEYS AT LAW

See also **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**

- **Abstracts of title**, review, 33-25-103
- **Acknowledgments**, form of certificate, 1-5-205
- **Actions, role in**
  - acquisition of claim or demand for purpose of bringing, 37-61-408 — 37-61-411
  - alien attorneys, 37-61-208
  - appeals, See **APPEALS, CIVIL, Counsel**; **APPEALS, CRIMINAL, Counsel**
  - appearance
    - authority, without, 37-61-301
    - jurisdiction acquired by, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  - authority of attorney, 37-61-401
    - appearance without, 37-61-301
    - proof, production, 37-61-402
  - bringing, acquisition of claim or demand for purpose of, 37-61-408 — 37-61-411
  - change of attorney, 37-61-403
    - notice requirement, 37-61-404
  - collusion, penalty, 37-61-406
  - compensation, judgment lien for, 37-61-420
  - criminal, See **CRIMINAL PROCEDURE, Counsel**
  - death of attorney, 37-61-405
    - appeal, when, Title 25, chapter 21, M.R.App.Civ.P., Rule 4

ATTORNEYS AT LAW (Continued)

Actions, role in (Continued)
  deceit, penalty, 37-61-406
  defense
    attorney's own, 37-61-417
    by public prosecutor, prohibited when, 37-61-412, 37-61-413, 37-61-415
  delay, penalty, 37-61-407
  depositions, See **Depositions**
  evidence subpoenaed, objections served on, Title 25, chapter 20, M.R.Civ.P., Rule 45(d)
  fees, See **Fees**
  foreign attorneys, 37-61-208
  interrogatories, signature by, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
  judgment, endorsement of satisfaction, 25-9-311
  judgment lien for compensation, 37-61-420
  judicial notice, aid to court, Title 26, chapter 10, M.R.Ev., Rule 202
  master's report, draft to counsel, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
  nonresident attorneys, 37-61-208
  notice, entitlement, 25-3-401
  parties to actions
    death of party, effect on attorney's authority, 37-61-401
    death or removal of attorney, 37-61-405
    prosecution by, 37-61-411, 37-61-416, 37-61-417
  partners, appearance on opposite sides, 37-61-414, 37-61-415
  pleadings
    signing, Title 25, chapter 20, M.R.Civ.P., Rule 11
    verification, 25-4-203; Title 25, chapter 20, M.R.Civ.P., Rule 11
  pretrial conference, Title 25, chapter 20, M.R.Civ.P., Rule 16
  prisoners, consultation, 37-61-418
  privileged communications, 26-1-803, See also **EVIDENCE**, **Privileges**
  removal of attorney, 37-61-405
  right to counsel, See **Right to counsel**
  service of process and papers, See **Service of papers not process**; **Service of process**
  several defendants, different counsel, 25-7-301
  small claims court, representation in, 25-34-105, 25-35-505
  substitution of counsel, 37-61-403 — 37-61-405
  surety on bond, as — allowed when, 37-61-419
Acupuncturists, representation, 37-13-312
Administrative proceedings, representation, 2-4-105
Admission to bar
  applications, 37-61-204
    fees, 3-2-403, 37-61-205
  board, See **Examining Board**
  certificate of, 37-61-206, See also **Licenses**
  discrimination prohibited, 49-3-204
  examinations, 37-61-102, 37-61-204, 37-61-308
  qualifications, 37-61-202, 37-61-204
  rules, establishment, 37-61-101
Advertising, 35-4-103, 35-4-201, 37-61-201
Agriculture marketing association, hearing on removal of officer or director — right to counsel, 35-17-313
Air quality hearings, 75-2-111
Alcoholics, right to counsel, 53-24-302, 53-24-304
Alien attorneys, 37-61-208
Appointed counsel, See **Right to counsel**
Arrest, privilege from, 46-6-102
Authority, See **Actions, role in**
Bail, may not furnish, 46-9-402
Bar association, See **STATE BAR OF MONTANA**
Blood test results from driving while under influence of alcohol or drugs, availability, 61-8-405
Boards, quasi-judicial — membership on, 2-15-124
Certificate of admission and license, See **Licenses**
Children, See **Minors**

ATTORNEYS AT LAW (Continued)

Child support
  enforcement, right to counsel, 40-5-253
  proceedings, representation of child when, 40-4-205
  scale of suggested minimum contributions furnished to, 40-5-214
Chiropractors, representation, 37-12-322
City, See **CITY ATTORNEY**
City councils, employed by — when, 7-4-4605
Clients, responsibility concerning, See **Actions, role in**, generally
Collusion, 37-61-406
Commerce, Department of — representation for, 81-23-406
Common carriers, free transportation when, 69-11-208
Community college district trustees, services for, 20-1-204
Complaints against, See **Disbarment or suspension**
Conciliation court, appointment as counselors when, 40-3-124, 40-3-125
Conflict of interest, 2-2-121, 2-2-125
  depositions, Title 25, chapter 20, M.R.Civ.P., Rule 28(c)
Conservation district land use regulation variance hearings, representation, 76-15-724
Conservation districts, counsel for, 76-15-319
Conservatorship proceedings
  appointment as counsel, 72-5-408
  fees, 72-5-432
Constables, restrictions on practice of law, 7-4-2210, 25-31-601
Consultants, private — nonapplicability of provisions, 18-8-103
Contempt
  neglect or violation of duty, 3-1-501
  practice without license, 37-61-210
Conviction of felony or misdemeanor, 37-61-301
  proceedings required on receipt of record, 37-61-303
  record of, 37-61-302
County attorney, performance in criminal proceedings as, 46-16-107
County attorneys or deputies, private practice prohibited when, 7-4-2704, See also COUNTY ATTORNEY
County clerk and recorder, restrictions on practice of law, 7-4-2210, 37-61-203
County Commissioners, Board of — employed by, when, 7-4-2708
County coroner, law practice prohibited, 37-61-203
County licenses, determination of class, 7-21-2103
County officers, restrictions on practice of law, 7-4-2210, 37-61-203
County sheriff, restrictions on practice of law, 7-4-2210, 37-61-203
County superintendent of schools, legal adviser for — when, 20-3-210, 20-4-204
Court administrator, law practice prohibited, 3-1-601
Criminal proceedings
  defense, See **CRIMINAL PROCEDURE, Counsel**
  offenses by, See **Unlawful practices**
  prosecution upon failure of county attorney to attend, 46-16-107
Custody proceedings
  fees, 40-4-110, 40-4-205, 40-4-219, 40-7-108, 40-7-109, 40-7-116
  representation of child's interests when, 40-4-205, 40-4-214
Deaf persons, interpreters for — in official proceedings
  preparation, 49-4-503
  waiver, approval, 49-4-510
Debt adjustment by, 31-3-203
Deceit, 37-61-301, 37-61-406
Depositions
  appointment of counsel, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
  disqualification for interest, Title 25, chapter 20, M.R.Civ.P., Rule 28(c)
  fees and expenses, Title 25, chapter 20, M.R.Civ.P., Rule 30(g)
  notice, signature, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
Developmental Disabilities Planning and Advisory Council, membership, 2-15-2204
Developmentally disabled persons, commitment
  appointment of counsel, 53-20-123, 53-20-125, 53-20-404
  protective services, fees, 53-20-409
  right to counsel, 53-20-112, 53-20-113, 53-20-123, 53-20-146, 53-20-147

ATTORNEYS AT LAW (Continued)

Diploma privilege, 37-61-204
Disbarment or suspension
- complaints, filing, 37-61-304, 37-61-305
- conviction of felony or misdemeanor, 37-61-301
  - proceedings required on receipt of record, 37-61-303
  - record of, 37-61-302
- grounds for, 37-61-301, 37-61-409
- judgment, 37-61-309
- jurisdiction, 37-61-301
- procedural rules, 37-61-307
- referees, 37-61-307
- special investigator, appointment, 37-61-306
- witnesses, 37-61-305, 37-61-308

Discrimination, contested case hearings — representation, 49-2-505
District court judge pro tempore to be, 3-5-113
Drainage district organization
- appointment for, 85-8-321
- fees, 85-8-321, 85-8-341

Driving while under influence of alcohol or drugs, availability of blood test results, 61-8-405
Drug abusers, right to counsel, 53-24-302, 53-24-304
Elections
- campaign violations, as special attorneys general, 13-37-113
- contested, attorney's fees, 13-36-204, 13-36-205, 13-36-207

Estates and probate proceedings
- fees, See **Fees**
- inheritance tax, fees as deduction, 72-16-308
- joint tenancies
  - fees, 72-3-633, 72-16-505
  - transfer of title, attorney not necessary, 72-16-505
- judge, disqualification when attorney for, 72-10-105
- public administrator, collection of fees, 72-15-301

Examining Board
- appointment of members, 37-61-102
- compensation and expenses, 37-61-103
- dismissal of members, 37-61-102
- powers, 37-61-102
- quorum, 37-61-102

Execution, exemption, 25-13-612
Fees
- admissions, proof, Title 25, chapter 20, M.R.Civ.P., Rule 37(c)
- admission to bar
  - application, 37-61-205
  - petition for, 37-61-205
- admission to practice, 3-2-403
- agent, representation, 25-10-301
- assigned counsel, 46-8-201
- banks and trust companies, liquidation, 32-1-518, 32-1-534, 32-1-551
- bonds, performance — actions against, 18-2-207
- canal or ditch easements, interference with, 70-17-112
- change of venue, 25-10-204, 25-31-1005
- child support debts
  - noncompliance with warrant or assignment of wages, liability, 40-5-242
  - property distrainer, proceedings concerning, 40-5-245
- cigarette sales act violations, actions regarding, 16-10-402
- closure of estate after 2 years, 72-3-1015
- commercial paper, collection, 30-3-106, 30-3-604
- condominium construction, 70-23-205
- conservation district land use regulation violations, 76-15-710
- conservatorship proceedings, 72-5-432
- constitutional right to know actions, 2-3-221
- consumer loan contracts, 32-5-407

ATTORNEYS AT LAW (Continued)

Fees (Continued)
  consumer protection, 30-14-133
  consumer reports, 31-3-142, 31-3-143
  contract dispute with state, 18-1-404
  contractual rights, reciprocity, 28-3-704
  corporations
    actions against, 35-1-513, 35-1-514
    dissenters' claims, 35-1-812
    liquidation, 35-1-922, 35-2-712
  county bonds, sale proceedings, 7-7-2254
  crime victims compensation, 53-9-106, 53-9-132
  criminal proceedings
    assigned counsel, 46-8-112, 46-8-201, See also **CRIMINAL PROCEDURE**, **Counsel**, assigned
    deposition, 46-15-203
    state prison offenses, 7-6-2427
  custody proceedings, 40-4-110, 40-4-205, 40-4-219, 40-7-108, 40-7-109, 40-7-116
  dentists, action to collect renewal fees and penalties, 37-4-307
  depositions, Title 25, chapter 20, M.R.Civ.P., Rule 30(g)
  determination, 25-10-301
  developmentally disabled persons, protective services, 53-20-409
  discovery
    compel, to, Title 25, chapter 20, M.R.Civ.P., Rules 37(a), 37(b)
    failure to respond, Title 25, chapter 20, M.R.Civ.P., Rule 37(d)
  discrimination hearings
    contested cases, 49-2-505
    employment or hiring, 49-4-102
  dissolution and separation proceedings, 40-4-110, 40-4-205
  documents of title — lost, stolen, or destroyed, 30-7-601
  drainage district organization, 85-8-321, 85-8-341
  elections, contest, 13-36-204, 13-36-205, 13-36-207
  eminent domain, 70-30-306, 70-30-307
    dismissal or abandonment, effect, 70-31-304
    inverse proceedings, 70-31-303
  estates and probate proceedings
    closure of estate after 2 years, 72-3-1015
    conservatorship proceedings, 72-5-432
    inheritance tax, deduction, 72-16-308
    joint tenancies
      termination, 72-3-633
      transfer of title, 72-16-505
    life estate, termination, 72-3-633
    personal representative
      engaged by, 25-10-301, 72-3-633
      litigation by, 72-3-632
    settlement of fees, 72-3-634
  forbidden when, 37-61-215
  freight carriers, claims for loss or damage, 69-11-426
  governmental entities, frivolous actions by or against, 25-10-711
  guardian, representation of, 25-10-301
  hard-rock mining impact plans, judicial review, 90-6-307
  insurance
    information and privacy protection violation actions, 33-19-407
    premium finance agreements, collection, 33-14-303
  insurers
    liquidation proceedings, 33-2-1371, 33-2-1375
    unauthorized, actions against, 33-1-616
  judgment lien for, 37-61-420
  labor and employment
    misrepresentation of character of employment, 39-2-303
    occupational disease, hearing and appeal, 39-72-613, 39-72-712

ATTORNEYS AT LAW (Continued)

Fees (Continued)
- labor and employment (Continued)
  - wages, recovery, 39-3-214
    - mineral or oil industry, 39-3-518
- landlord-tenant actions, 70-24-202, 70-24-442, 70-25-204
- liens, 25-10-302, 71-3-124
  - mechanics', 71-3-516
  - salaries and wages, liens for, 71-3-305
- limited partnerships, derivative actions, 35-12-1404
- loan contracts, 32-5-407
- lobbying violations, citizen's actions, 5-7-305
- medical assistance to needy persons, subrogation of department of social and rehabilitation services, 53-2-612
- mineral trusts, 82-1-304, 82-1-305
- mines and mining
  - leases, release, 82-1-202
  - metal mines impact plan, judicial review, 90-6-307
  - reclamation
    - enforcement actions, 82-4-252
    - orders relative to, 82-4-251
  - rights-of-way, proceedings to obtain, 82-2-211
  - royalties, accounting, 82-10-101
- minors, actions regarding property damage or destruction by — limitation, 40-6-238
- mortgages, 25-10-302, 71-1-233, 71-1-234
- motor carriers, rate overcharge actions, 69-12-511
- motor vehicle dealership succession actions, 61-4-137
- motor vehicle dealers, new — damage suits, 61-4-210
- municipal general obligation bonds, sale proceedings, 7-7-4254
- occupational disease
  - deduction from compensation, 39-72-712
  - hearing and appeal, 39-72-613
- oil and gas
  - leases, release, 82-1-202
  - royalties, accounting, 82-10-101
- partition, 70-29-113, 70-29-218, 70-29-221
- personal solicitation sales, 30-14-506
- property actions
  - condominium construction, 70-23-205
  - minors, damage or destruction by, 40-6-238
  - partition, 70-29-113, 70-29-218, 70-29-221
  - state as party, 70-19-303
- proprietary postsecondary educational institutions, damage suits, 20-30-401
- rabies control, injunction, 50-23-106
- railroads
  - excess charges by, actions for recovery, 69-14-322
  - fireguard maintenance violations, 69-14-722
  - livestock killed by, actions to recover loss or damage, 69-14-709
- record, 3-5-504
- register of actions, entry in, 3-5-504
- rental agreements, 70-24-202, 70-24-442, 70-25-204
- retail installment sales, collection when delinquent, 31-1-235
- right to know, constitutional — actions, 2-3-221
- sales, personal solicitation, 30-14-506
- school district bond proceedings, 20-9-432
- secured transactions, default, 25-10-302, 30-9-504, 30-9-506, 30-9-511
- securities violations, 30-10-305, 30-10-307
- small claims court, appeal, 25-34-403, 25-35-806
- subdivisions out-of-state, purchaser's recovery of consideration, 76-4-1247
- summary judgment, when affidavits made in bad faith, Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
- support proceedings, how payable, 40-4-110
- tax deed, action for, 15-18-306

ATTORNEYS AT LAW (Continued)

Fees (Continued)
- taxes, action to collect, 15-16-502
- tort claims against governmental entities, 2-9-314
- trust indentures, 71-1-312, 71-1-316, 71-1-320
- trusts, 25-10-301, 72-25-301
- unfair trade practices, 30-14-133
- unlawful when, 37-61-215
- unlicensed persons, to — forbidden, 37-61-215
- water appropriation permits, decision, 85-2-125
- workers' compensation
  - amount of award, controversy, 39-71-612
  - denial of claim, 39-71-611
  - forfeiture, 39-71-613
  - regulation, 39-71-613
  - statement to court regarding fee arrangement, 39-71-613
  - subrogation, 39-71-414
  - termination of benefits, 39-71-611
- youth court, 41-5-207

Firefighters, representation, 7-33-4124
Foreign attorneys, 37-61-208
Grazing districts, counsel for appeals from decisions by, 76-16-109
Guardian ad litem, appointment as, 41-3-303, 41-3-401, 72-5-315, 72-5-408
Guardianship proceedings, appointment as counsel, 72-5-225, 72-5-234, 72-5-315
- medical treatment of ward for mental disorder, 72-5-322

Guides, representation when, 87-4-142
Hail Insurance, Board of — reports to, for insured, 80-2-241
Hail loss appraisers, limitations, 80-2-242
Health and Environmental Sciences, Board of — counsel to, 50-70-106
Health and Environmental Sciences, Department of — counsel to, 50-1-102
Highway patrol disciplinary action, right to counsel, 44-1-803
Hospital districts, representation, 7-34-2122
Housing authorities, representation
- commissioners, 7-15-4437
- investigations, 7-15-4458

Impeachment proceedings, representation, 5-5-418
Incorporation, See **CORPORATIONS, Professional service corporations**
Insurance
- adjusters, as — nonapplicability of provisions, 33-17-102
- administrators, nonapplicability of provisions, 33-17-601
- advisory organization, as — nonapplicability of provisions, 33-16-102
- consultants, practice as, 33-17-502
- hearings, representation, 33-1-704
- policies, execution, 33-15-306
- professional liability, See **INSURANCE — CASUALTY, Professional liability**

Insurance, Commissioner of
- employed by, 33-1-306, 33-2-1115, 33-2-1333, 33-2-1345
- service of process, as attorney for
  - fraternal benefit societies, 33-7-114, 33-7-502
  - holding company systems, 33-2-1106
  - insurers generally, 33-1-601 — 33-1-603
  - nonresident license agents, 33-17-405
  - surplus line insurers, 33-2-315
  - unauthorized insurers, 33-1-612

Insurers
- liquidation proceedings
  - assistance in, 33-2-1345
  - fees, 33-2-1371, 33-2-1375
  - liability, 33-2-1357
  - services to insurer, transactions to pay for, 33-2-1356
- political contributions prohibited, 33-18-305
- reciprocal, attorneys-in-fact
  - agent or solicitor, nonapplicability of provisions, 33-17-103

ATTORNEYS AT LAW (Continued)

Insurers (Continued)
- reciprocal, attorneys-in-fact (Continued)
  - annual statement, filing, 33-5-413
  - assessments, levy, 33-5-412
  - audits of accounts and records, 33-5-305
  - bond
    - action on, 33-5-304
    - requirements, 33-5-303
  - contributions to insurer, 33-5-402
  - declaration, filing and acknowledgment, 33-5-201
  - deficiencies, making up, 33-5-412
  - defined, 33-5-104
  - examination, when, 33-1-401
  - power of attorney, terms and agreements, 33-5-301
    - modification, 33-5-302
  - service of process, 33-1-602
  - subscribers operating through, 33-5-102
- rehabilitation proceedings, assistance, 33-2-1333

Interpreters for deaf persons, See **Deaf persons**
Investigators, private — nonapplicability of licensing provisions, 37-60-105
Investment adviser, exclusion as, 30-10-103
Judgment lien for compensation, 37-61-420
Judicial Nomination Commission
- application for appointment by, 3-1-1009
- members, 3-1-1001

Judicial notice, to aid court in obtaining, Title 26, chapter 10, M.R.Ev., Rule 202
Judicial officers
- disqualification when, 3-1-802, 3-7-402
- law practice prohibited when, 3-1-601 — 3-1-605

Judicial Standards Commission, membership, 3-1-1101
Jury duty, grounds for challenge, 46-16-304
Justices of the peace to be, 3-10-202
Law library, state — use, 22-1-505
Legal aid, See **PUBLIC DEFENDER**
Legislative Auditor, to conduct proceedings, 5-13-305
Licenses
- certificate as, 37-61-206
- oath, endorsement, 37-61-207
- practice without
  - fees forbidden, 37-61-215
  - penalty, 37-61-210
- tax, See **License tax**

License tax
- certification, 37-61-211
  - practice without, penalty, 37-61-214
- delinquent, collection, 37-61-212
- disposition, 37-61-213
- payment, 37-61-211
- prohibited when, 37-61-211

Liens, judgment — for compensation, 37-61-420, See also **JUDGMENTS AND DECREES, Lien of judgment; LIENS**
Livestock, Department of — employed by, when, 81-1-102, 81-23-406
Lobbyists
- as, See **LOBBYING AND LOBBYISTS**, generally
- violations, authority regarding, 5-7-212

Malpractice, legal, 37-61-301, See **MALPRACTICE**
Malpractice, medical — members of review panel, 27-6-401, See **MALPRACTICE, MEDICAL**
Marriage
- counseling when, 40-3-124, 40-3-125
- declaration of, drafting by, 40-1-312

ATTORNEYS AT LAW (Continued)

Mentally ill persons
  appointment of counsel, 53-21-112, 53-21-116, 53-21-122
  communication right, 53-21-142
  right to counsel, 53-21-112, 53-21-115, 53-21-117, 53-21-119, 53-21-126, 53-21-147, 53-21-148, 53-21-168
  visitation right, 53-21-142
  warm springs state hospital, counsel for, 53-21-104
Minors
  abused, neglected, and dependent — court appointment for, 41-3-303, 41-3-401
  aftercare violations, right to counsel, 53-30-229
  counsel appointed for, when, 40-4-205, 41-5-511
    commitment proceedings, 53-21-112
    guardianship proceedings, 72-5-225, 72-5-234
    parent-child legal relationship termination, 41-3-607
    waiver when, 41-5-303
  delinquent, See also **YOUTH COURT**, generally
    attorney's fees, 41-5-207
    dispositional hearing, reports furnished prior to, 41-5-522
    records, youth court — right to inspect, 41-5-603
  guardianship proceedings, appointment for, 72-5-225
    termination, appointment for, 72-5-234
  property damage or destruction by minors, fee limited, 40-6-238
  representation, right to, 40-4-205, 41-5-502, 41-5-511
Motor carriers
  rate overcharge actions, fees, 69-12-511
  supervisor for, 69-12-203
Motor club service companies
  applicability of provisions, 61-12-314
  services for, 61-12-301
Motor vehicle accident reports, examination allowed when, 61-7-114
Municipal court, substitute judge, 3-6-204
Nonresident attorneys, 37-61-208
Nonresident client, service of papers on attorney, 25-3-402
Nonresident motorists, secretary of state as attorney for, 25-3-602
Oath, 37-61-207
  violation, 37-61-301, 37-61-304, 37-61-305
Outfitters, representation when, 87-4-142
Pardons, Board of
  counsel to, 46-23-105
  membership, 2-15-2302
Parking commissions, selection or appointment by, 7-14-4621
Partners, limitation on prosecution or defense by, 37-61-412, 37-61-414, 37-61-415
Paternity proceedings, representation, 40-6-119
Penalties for violations, See **Unlawful practices**, generally
Physicians, representation, 37-3-323
Policemen, representation, 7-32-4157
Practice of law
  actions, role in, See **Actions, role in**
  alien attorneys, 37-61-208
  deprivation, 37-61-309
  foreign attorneys, 37-61-208
  license tax certificate, without — penalty, 37-61-214
  license, without — penalty, 37-61-210
  nonresidents, 37-61-208
  preclusion from, 37-61-309
  prohibited to
    constables, 7-4-2210
    county attorneys or deputies when, 7-4-2704
    county clerk and recorder, 7-4-2210, 37-61-203
    county coroner, 37-61-203
    county officers, 7-4-2210, 37-61-203

ATTORNEYS AT LAW (Continued)

Practice of law (Continued)
  prohibited to (Continued)
    county sheriff, 7-4-2210, 37-61-203
    judicial officers when, 3-1-601 — 3-1-605
  qualifications, 37-61-201
  reciprocity, 37-61-208
  regulatory provisions, Title 37, chapter 61, part 4
  unlawful practices, See **Unlawful practices**
  who considered to be practicing, 37-61-201
  workers' compensation judge, by — prohibited, 2-15-1014
Prisoners, consultation, 37-61-418
Private investigators, nonapplicability of licensing provisions, 37-60-105
Privileged communication with client, 26-1-803, 41-3-204, 41-3-404
Professional and occupational licensing, board hearings conducted by, 37-1-121, 37-1-131
Professional liability insurance, See **INSURANCE — CASUALTY**
Professional misconduct, 37-61-305
Professional service corporations, See **CORPORATIONS**
Psychological counseling by, allowed when, 37-17-104
Public defender, See **PUBLIC DEFENDER**
Public prosecutors, defense by — prohibited when, 37-61-412, 37-61-413, 37-61-415
Public Safety, Department of — employees, representation, 7-32-108
Public Service Commission, special counsel for — when, 69-14-132
Public utility hearings, representation for, 69-3-326
Public utility law enforcement proceedings, special counsel when, 69-3-110
Railroad corporation attorneys, favors by — prohibited, 69-1-112
Real estate broker or salesman provisions, applicability, 37-51-103
Refuse disposal districts, representation, 7-13-218
Revenue, Department of — power of attorney when, 40-5-202
Right to counsel
  alcoholics, 53-20-302, 53-20-304
  criminal cases, See **CRIMINAL PROCEDURE, Counsel**
  developmentally disabled persons, 53-20-112, 53-20-113, 53-20-123, 53-20-146, 53-20-147
  drug abusers, 53-24-302, 53-24-304
  mentally ill persons, 53-21-112, 53-21-115, 53-21-119, 53-21-128, 53-21-147, 53-21-148, 53-21-168
  partition, 70-29-113
  youth aftercare violations, 53-30-229
Roll of attorneys, 3-2-402, 37-61-209, 37-61-309
Rules of Civil Procedure
  advisory committee, members, 3-2-702
  amendments, transmittal to attorneys, Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
  suggestions by, 3-2-703; Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
School district bond proceedings
  assistance when, 20-9-436
  fees, 20-9-432
School trustees, services for, 20-1-204, 20-1-205
Service of papers not process
  nonresident client, 25-3-402
  proof of service, Title 25, chapter 20, M.R.Civ.P., Rule 5(f)
  upon, Title 25, chapter 20, M.R.Civ.P., Rule 5(b)
Service of process
  costs, prepayment by, 25-3-203
  jurisdiction, acquisition by, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  nonresident motorists, 25-3-602
  summons, service by, Title 25, chapter 20, M.R.Civ.P., Rule 4C
Small claims court
  fees, on appeal, 25-34-403
  judges to be, 3-12-201
  representation in, 25-34-105, 25-35-505
Soil survey and mapping programs, counsel for, 76-11-204
State Bar of Montana, See **STATE BAR OF MONTANA**
State law library, use, 22-1-505

ATTORNEYS AT LAW (Continued)

Subdivisions out-of-state, application for registration — title opinion, 76-4-1228
Support proceedings
  fees, 40-4-110, 40-4-205
  representation of child when, 40-4-205
Surety on bond, as — allowed when, 37-61-419, 46-9-402
Suspension, See **Disbarment or suspension**
Television districts, employment by, 7-13-2510
Title records or abstracts, review, 33-25-103
Trust indentures
  fees, 71-1-312, 71-1-316, 71-1-320
  trustee, as, 71-1-306
Unlawful practices
  actions, bringing — acquisition of claim or demand for purpose of, 37-61-408, 37-61-409
  collusion, penalty, 37-61-406
  deceit, penalty, 37-61-406
  disbarment or suspension for, See **Disbarment or suspension**
  fees to unlicensed persons, 37-61-215
  license, practice without — penalty, 37-61-210
  license tax certificate, practice without — penalty, 37-61-214
  partners, appearance on opposite sides — penalty, 37-61-414, 37-61-415
  public prosecutors, former — defense by, penalty, 37-61-413, 37-61-415
Utilities, municipal — representation of affected parties at hearings, 69-7-112
Utility law enforcement proceedings, special counsel when, 69-3-110
Warm Springs State Hospital, counsel for, 53-21-104
Water pollution, appeals from orders concerning — special counsel for, 75-5-641
Wheat Research and Marketing Committee, removal proceedings — representation, 2-15-3002
Zoning decisions, appeals from — representation, 76-2-226, 76-2-227, 76-2-326, 76-2-327

ATTORNEYS EXAMINING BOARD

  See **ATTORNEYS AT LAW, Examining Board**

AUCTIONS AND AUCTIONEERS

Abandoned
  personal property, sale, 70-9-308, 70-9-403, 70-9-501
  vehicles, sale, 61-12-404
Agency
  applicability of laws, 28-10-301, 28-10-404
  assistant auctioneer as, 30-11-512
  auctioneer as, 30-11-506
Agisters' liens, foreclosure, 71-3-1203
Apiaries, sale of equipment when, 80-6-104
Applicability of laws, agency, 28-10-301, 28-10-404
Assistant auctioneers, 30-11-512
Authority of auctioneers
  applicability of laws, 28-10-301, 28-10-404
  bidder, from, 30-11-507
  general, 30-11-508
  seller, from, 30-11-506
Bailees
  storage, sale of freight for costs, 70-6-411
  unclaimed property sale, 70-9-403
Bidding, 30-11-502
Bond of auctioneer
  amount, 30-11-510
  approval, 30-11-510
  ex officio auctioneers, 30-11-511
  filing, 30-11-510
  required, 30-11-508

AUCTIONS AND AUCTIONEERS (Continued)

Book of sales
  inspection, 30-11-505
  memorandum of sale, 30-11-504
  required, 30-11-505
Bulk transfers by, See **BULK TRANSFERS**
City authority, 30-11-516
Commerce, Department of — enforcement, 30-11-515
Completion of sale, 30-11-502
Confiscated game birds and animals, sale, 87-1-511 — 87-1-514
Conservation district termination, sale of property, 76-15-809
Constables as ex officio auctioneers, 30-11-511
Corporate stock assessments, delinquency sale, 35-1-604
Crier, 30-11-512
Criminal offenses, See **Offenses**
Damages, 30-11-514
Defined, 30-11-501
Delivery, 30-11-506
Eminent domain, property abandoned from public use, 70-30-321, 70-30-322
Enforcement, See **Offenses**
Estrays, of, See **LIVESTOCK, Estrays**
Execution sales by, 25-13-704
Ex officio auctioneers, 30-11-511
Fire hazards, salvage sale by, 50-62-107
Foreign laws, reciprocity, 30-11-509
Game birds or animals, sale, 87-1-511 — 87-1-514
Grazing district sales
  assets, when, 76-16-212
  trespassing livestock, 76-16-316
Highway equipment, 18-6-103
Highways, Department of — property sales, 60-4-202
Horses
  abandoned, roundup and sale, 81-4-506
  herd districts, retained from wrongful entry into, 81-4-326
Hotel
  liens, foreclosure sale, 71-3-1402
  unclaimed property of guests, sale, 70-9-501
Licensing, 30-11-516, 49-3-204
Liens, foreclosure sale
  agisters, 71-3-1203
  hotel, 71-3-1402
  livestock, 81-2-109, 81-2-705
Livestock
  estrays, sale when, 81-4-603
  liens, foreclosure sale, 81-2-109, 81-2-705
  registered livestock sales, 81-8-501
  stolen, confiscated vehicles used to transport, 81-5-106
Livestock markets, See **LIVESTOCK MARKETS**
Location of business, 30-11-513
Lot sales, 30-11-502
Manner of sale, 30-11-502
Memorandum of sale
  binding, 30-11-507
  required, 30-11-504
Modification of provisions, 30-1-111
Motor vehicles, abandoned — sale, 61-12-404
Nonresident auctioneers, 30-11-509
Offenses
  city authority, 30-11-516
  enforcement, 30-11-515
  penalties, 30-11-514, 30-11-516
  prosecution, 30-11-515
Oil and gas leases on state lands, re-leasing, 77-3-407
Partition sales by, 70-29-301
Partners, 30-11-513

AUCTIONS AND AUCTIONEERS (Continued)

Payment, 30-11-506
Penalties, See **Offenses**
Place of business, 30-11-513
Principal place of business, 30-11-513
Prohibited practices, See **Offenses**
Railroad corporation stock, sale when, 69-14-505
Real estate broker provisions, auctioneer exempt from, 37-51-103
Reciprocity with other states, 30-11-509
Records, See **Book of sales**
Registered livestock sales, 81-8-501, See also **Livestock**
Repeal of provisions, 30-1-111
Reserve, 30-11-502
Residency of auctioneer, 30-11-509
Sheriffs as ex officio auctioneers, 30-11-511
Sheriff's sales by, 25-13-704
State lands
  oil and gas leases, re-leasing, 77-3-407
  sales, 77-2-321, 77-2-323
Stock assessments, delinquency sale, 35-1-604
Taxation, 30-11-516
Tax sales, 15-17-101
  personal property, 15-17-901
Terms of sale
  auctioneer's authority, 30-11-506
  memorandum of sale, inclusion in, 30-11-504
  written, 30-11-503
Trust indentures, foreclosure sale, See **TRUST INDENTURES, Sale**
Unclaimed property, sale, 70-9-308, 70-9-403, 70-9-501
Uniform Commercial Code, effect, 30-1-111
Violations, See **Offenses**
Written conditions, effect, 30-11-503

AUDIOLOGY AND AUDIOLOGISTS

See **SPEECH PATHOLOGISTS AND AUDIOLOGISTS**

AUDITORIUMS

Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally

AUDITORS

See **ACCOUNTANTS; COUNTY AUDITOR; LEGISLATIVE AUDITOR; STATE AUDITOR**

AUDITS

Governmental entities, of, See **ADMINISTRATION, DEPARTMENT OF**
Insurers, receiver's books, 33-2-1378
Legislative, Title 5, chapter 13, See **LEGISLATIVE AUDIT ACT**
Performance, See **EXECUTIVE BRANCH, Legislative review**
Sunset, See **EXECUTIVE BRANCH, Legislative review**
Tax, See **TAXATION, Investigations by Department of Revenue**

AUTHORSHIP

See **TRADE REGULATION AND COMPETITION, Invention, rights to**

AUTISM

See generally **DEVELOPMENTALLY DISABLED PERSONS; SCHOOLS, Special education**

AUTOMOBILE ACCIDENTS

See **MOTOR VEHICLE ACCIDENTS AND ACCIDENT REPORTS**

AUTOMOBILE CLUBS

See **MOTOR CLUB SERVICE COMPANIES**

AUTOMOBILE GRAVEYARDS AND WRECKING FACILITIES

See **JUNKYARDS; MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES**

AUTOMOBILES

See **MOTOR VEHICLES**

AUTOPSIES

Authorization, 50-21-103
Cause of death, 50-21-104
Criminal investigation, 50-21-103, See **FORENSIC SCIENCE**
Disability insurance claims, required when, 33-22-213, 33-22-602
Exemption from provisions, 50-21-105
Exhumation of body for, 46-4-103
Inquest, for, 50-21-103, See also **COUNTY CORONER, Corpses; Inquests; FORENSIC SCIENCE, Autopsy**
Institutions, upon death of person in, 50-21-103
Limitations, 50-21-103
Medical examiner, liability, 44-3-401
Mortuary, liability, 46-4-104, 50-21-105
Penalties, 50-21-106
Physician, performance by
  liability, 46-4-104
  order for, 50-21-103
  required, 50-21-104
Records, 44-3-214, 50-21-104
Suspicious deaths, See **FORENSIC SCIENCE**
Unauthorized autopsies, 50-21-106
Violations of provisions, 50-21-106

AUTO TRUCKS

See **MOTOR VEHICLES**, generally

AVIATION

See **AERONAUTICS**

AXLES

See **MOTOR VEHICLES, Size, weight, and load**

B

BAD DEBT COLLECTION

Debt adjusting, See **DEBTS, DEBTORS, AND CREDITORS**
State, Title 17, chapter 4, part 1, See **STATE DEBT COLLECTION SERVICE**

BAGGAGE

See **CARRIERS, Passenger carriers; HOTELS AND LODGING ESTABLISHMENTS; Property of guests; RAILROADS**

BAIL, CIVIL

See also **UNDERTAKINGS**, generally

Contempt, 3-1-514 — 3-1-517, 3-1-521, See **CONTEMPT**
Election contests, 13-36-204
Highways, Department of — authority of peace officers for, 61-12-208
Pledges to bondsman, See **PLEDGES**, generally
Prejudgment arrest, See **ARREST**, **Prejudgment arrest**
Rules of Evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
Security, pledge of, See **PLEDGES**
Tramways, injunctive proceedings against, 23-2-724
Witnesses, to secure testimony, 46-11-601, 46-15-113, 46-15-201

BAIL, CRIMINAL

See also **UNDERTAKINGS**, generally

Amount
  arrest warrant, set in, 46-6-202, 46-9-303
  determination, 46-9-301
  reasonableness, 46-9-301
  schedule for minor offenses, 46-9-302
Appeals, on, 46-9-103, See **APPEALS, CRIMINAL**
  who may admit, 46-9-201
Arraignment, defendant to be informed of right to bail, 46-12-202
Arrest bond certificates, See **Bond certificates**
Arrest of defendant by surety, 46-9-205
Arrest warrant
  bail set in, 46-6-202, 46-9-303
  conditions of bail, for nonperformance, 46-9-505
Assigned counsel, consideration of ability to post bail prohibited, 46-8-111
Attorneys prohibited from furnishing, 46-9-402
Automobile clubs, guaranteed arrest bond certificates, See **Bond certificates**
Availability
  after conviction, 46-9-103
  before conviction, 46-7-102, 46-9-102
  new trial, on, 46-9-104
Bail jumping, 45-7-308
Bond certificates
  cash, acceptance in lieu of, 46-9-414
  contents, 46-9-411
  defined, 46-9-411
  driving while intoxicated, not accepted, 46-9-414
  effect, 46-9-411, 46-9-412, 46-9-414
  enforcement, 46-9-414
  felonies, not accepted, 46-9-414
  sureties, 46-9-412, 46-9-413
  undertaking, 46-9-412
Calendar precedence, effect, 46-16-101
Cash bail when, 46-9-303, 46-9-401
  check in lieu of cash, 44-1-1103
  discharge of bail, 46-9-502
  forfeiture, 46-9-504
Challenge of bail or sureties, 46-9-404
Check in lieu of cash, 44-1-1103
Clerk of the district court, duties, See **CLERK OF THE DISTRICT COURT**
Conditions
  alteration, 46-9-311

BAIL, CRIMINAL (Continued)

Conditions (Continued)
  enumerated, 46-9-501
  extradition for violations, See **EXTRADITION**
  nonperformance, 46-9-503, 46-9-505
  performance, 46-9-502
Continuation when, 46-9-201, 46-13-106
Counsel
  assigned, consideration of ability to post bail prohibited, 46-8-111
  change of bail, notice of application, 46-9-311
  prohibited from furnishing, 46-9-402
Court calendar precedence, effect, 46-16-101
Defined, 46-9-101
Deposit with clerk of the court, 46-9-401
Discharge of bail, 46-9-502, 46-9-503, 46-18-102
Discharge of defendant upon acceptance of bail, 46-9-204
Dismissal of action, effect, 46-9-502, 46-13-106
Drug users, report to county attorney, 46-9-203
Extradition, See **EXTRADITION**
Forfeiture
  execution on judgment, 46-9-504
  grounds, 46-9-503
  judgment for, 46-9-503
  order, 46-9-503
  procedure, 46-9-504
  redemption of real property, 46-9-504
Guaranteed arrest bond certificates, See **Bond certificates**
Habeas corpus, writ to give bail, 46-22-103, 46-22-306
  appeal of hearing decision, 46-22-307
Highway patrol authority, See **HIGHWAY PATROL**
Imprisonment in lieu of, effect on sentence, 46-18-403
Increase
  application for, 46-9-311
  continuation, upon, 46-9-201
  new trial, pending, 46-9-104
Index of, 3-5-506
Indictment, effect of bail, 46-11-317, 46-11-333
Jumping, 45-7-308
Justification of sureties, 46-9-404
Motor vehicle violations, 46-9-414, See **Bond certificates**
New trial, bail on, 46-9-104
Nonperformance of conditions, 46-9-503, 46-9-505
Notice
  alteration of bail, application, 46-9-311
  forfeiture, 46-9-503, 46-9-504
  performance of conditions, notice to county clerk when, 46-9-502
  surety companies, certification, 46-9-413
Nuisance, public, 45-8-112
Peace officers, acceptance of bail by, 46-9-302, 46-9-303
Place of posting, 46-9-201, 46-9-202
  peace officer, acceptance by, 46-9-302, 46-9-303
Pledges to bondsman, See **PLEDGES**, generally
Postconviction hearing, order respecting, 46-21-201
Property that may be furnished, 46-9-401
Public nuisance, 45-8-112
Purpose, 46-9-101
Qualification of property as bail, 46-9-403
Real property as bail, 46-9-401, 46-9-403, 46-9-502
Receipt for bail, 46-9-302, 46-9-303
Recognizance, release on, 46-9-111, 46-9-505
Reduction
  application, 46-9-311

BAIL, CRIMINAL (Continued)

Reduction (Continued)
  continuation, upon, 46-9-201
  new trial, pending, 46-9-104
Release on own recognizance, 46-9-111, 46-9-505
Revocation of bail, application, 46-9-311
Right to bail, 46-12-202
Rules of Evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
Schedule of property, filing, 46-9-403
Securities as bail, 46-9-401, 46-9-403, 46-9-502, 46-9-504
Security, pledge of, See **PLEDGES**
Substitution
  application for, 46-9-311
  continuation, upon, 46-9-201
  new trial, pending, 46-9-104
Sureties of defendant
  arrest of defendant by, 46-9-205
  bail returned to, 46-9-502
  execution against, 46-9-504
  forfeiture, notice to, 46-9-503
  guaranteed arrest bond certificates, 46-9-412, 46-9-413
  justification, 46-9-404
  prohibited persons as, 46-9-402
  schedule of property, filing by, 46-9-403
  undertaking as bail, qualification of sureties, 46-9-403
Surety bonds as bail, 46-9-401, 46-9-403, 46-9-502
Surrender of defendant, 46-9-205
Transmittal to appropriate court or judge, 46-9-202
  peace officer, when bail accepted by, 46-9-302, 46-9-303
  preliminary examination, following, 46-10-204
Undertaking as bail, 46-9-401, 46-9-403, 46-9-502
Violation of conditions, Title 46, chapter 9, part 5
When, See **Availability**
Where given, See **Place of posting**
Who may admit to bail, 46-7-102, 46-9-201
Witnesses, to secure testimony, 46-11-601, 46-15-113, 46-15-201

BAILMENT AND BAILEES

See also **AGENCY; CIVIL PROCEDURE, Deposit in court; DOCUMENTS OF TITLE; PERSONAL PROPERTY, Deposits; PLEDGES; SALES; SECURITIES AND SECURITIES REGULATION; WAREHOUSES AND WAREHOUSEMEN**

Actions, bailee's capacity as party, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
Adverse claim, notice to depositor, 70-6-208
Animals
  compensation, 70-6-404
  duty of depositary, 70-6-206
  lien for care, See **LIENS, Agisters' liens**
Applicability of laws
  services of depositary, 70-6-207
  uniform commercial code, 30-1-111, 70-6-401
Bean storage constitutes when, 80-3-511
Care, duty of, 70-6-206, 70-6-302, 70-6-403
Classification of deposit
  exchange, 70-6-101
  gratuitous, 70-6-301
  hire, for, 70-6-402
  involuntary, 70-6-101
  safekeeping, 70-6-101
  voluntary, 70-6-101
Compensation of bailee for storage, See **Storage**
Contract as retail installment contract, 31-1-202

BAILMENT AND BAILEES (Continued)

Damage
  caused by thing deposited, 70-6-210
  negligence, See **Negligence**
  to thing deposited, 70-6-203, 70-6-501
  wrongful use, due to, 70-6-202
Delivery
  adverse claim, effect, 70-6-208
  demand, 70-6-211, 70-6-212
  gratuitous deposit, effect, 70-6-303
  joint ownership, effect, 70-6-214
  lien, effect, 70-6-211
  place, 70-6-213
  wrongful detention, 70-6-209
Exchange
  classification, 70-6-101
  defined, 70-6-107
  title passes, 70-6-108
Exoneration of depositary, 70-6-209
Finders, See also **PERSONAL PROPERTY**
  as bailee, 70-5-102
  exoneration by storage, 70-5-106
Grain warehousemen, possession of grain as — when, 80-4-233
Gratuitous deposit
  care, duty of, 70-6-302
  creditor as, 28-1-1113
  defined, 70-6-301
  involuntary, as, 70-6-105
  termination of depositary's duties, 70-6-303
Hire, deposit for, See **Storage**
Hotels and lodging establishments, liability, See **HOTELS AND LODGING ESTABLISHMENTS**
Indemnification of depositary, 70-6-209, 70-6-210
Injury, See **Damage**
Innkeepers, liability, See **HOTELS AND LODGING ESTABLISHMENTS**
Involuntary deposit
  classification, 70-6-101
  defined, 70-6-103
  depositary bound, 70-6-104
  gratuitous deposit as, 70-6-105
  manner of, 70-6-103
  termination of depositary's duties, 70-6-303
Joint or common tenancy of property, delivery, 28-1-1103, 70-6-214
Keeping, deposit for, See **Safekeeping, deposit for**
Labor laws, applicability, 70-6-207
Landlord, storage of tenant's property when abandoned, 70-24-430
Lien
  effect, 70-6-211
  storage, for, 70-6-411, 70-6-412, 70-9-501
Livestock, See **Animals**
Loss of deposited property, 70-6-203
Motelkeepers, liability, See **HOTELS AND LODGING ESTABLISHMENTS**
Negligence
  innkeeper liability, 70-6-501
  liability, 70-6-204
  owner, of, 70-6-501
  presumption, 70-6-203
Notice
  adverse claim, notice to owner, 70-6-208, 70-6-211
  gratuitous deposit, notice to remove, 70-6-303
  perishable property, sale, 70-6-205

BAILMENT AND BAILEES (Continued)

Notice (Continued)
  storage
    sale for costs, 70-6-411, 70-6-412
    termination, 70-6-405
  wrongful detention, notice to true owner, 70-6-209
Opening of thing deposited prohibited, 70-6-201
Performance of
  custody of thing offered as, 28-1-1113, 28-1-1224
  joint creditors, 28-1-1103
Perishable property, sale when, 70-6-205
Safekeeping, deposit for
  classification, 70-6-101
  defined, 70-6-106
Sale of property
  perishable property, 70-6-205
  storage costs, for, 70-6-411, 70-6-412
  unclaimed property, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
Seller as depositary, 30-11-201
Services of depositary, applicability of laws, 70-6-207
Storage
  applicability of laws, 70-6-401
  care, duty of, 70-6-403
  compensation, 70-6-404, 70-6-405, 70-6-411, 70-6-412
  defined, 70-6-402
  hire, deposit for — defined as, 70-6-402
  landlord, by — when abandoned by tenant, 70-24-430
  notice of sale, 70-6-411, 70-6-412
  notice of termination, 70-6-405
  sale for costs, 70-6-411, 70-6-412
  seller as depositary until delivery, 30-11-201
  termination of deposit, 70-6-405
  unclaimed property, 70-9-402, 70-9-405, See also **PERSONAL PROPERTY, Unclaimed or abandoned property**, carriers, commission merchants, and warehousemen
  uniform commercial code, applicability of laws, 70-6-401
Taxation of property, designation of bailee in assessment, 15-8-502
Unclaimed property, See **PERSONAL PROPERTY, Unclaimed or abandoned property**, carriers, commission merchants, and warehousemen
Uniform Commercial Code, applicability of laws, 30-1-111, 70-6-401
Use of thing deposited prohibited, 70-6-201, 70-6-202
Voluntary deposit
  classification, 70-6-101
  defined, 70-6-102
  manner of, 70-6-102
Wrongful detention, notice to true owner, 70-6-209
Wrongful use of thing deposited, 70-6-201, 70-6-202

BALLOT ISSUES

  See also **ELECTIONS**, generally

Abstract of votes, 13-27-503
Alcoholic beverage sale or consumption, local option, 16-1-205
Applicability of laws, 13-27-101
Attorney general, duties, See **ATTORNEY GENERAL**
Ballot
  approval by attorney general, 13-27-310, 13-27-312, 13-27-313
  certification, 13-10-208, 13-12-201, 13-27-501
  contents, 13-27-501
  marking, 13-12-209, 13-13-117
  placement, 13-12-207, 13-27-501
  preparation, 13-12-212, 13-27-502

BALLOT ISSUES (Continued)

Ballot (Continued)
  primary election, in, 13-10-209
  printing, 13-12-212
  separate ballots, 13-10-209, 13-17-306, 13-27-502
  statements of implication or purpose, 13-27-312, See **Statements of implication or purpose**
  title, 13-27-312
  transmittal to counties, 13-27-501
  voting machine requirements, 13-17-104, 13-17-306
Bond issues, restraint limited, 17-5-1001
Canvassing of votes, 13-15-505, 13-27-503
  effective date determined from, 13-27-105
  recounts, 13-16-201, 13-16-301, 13-16-411, 13-16-418, See also **ELECTIONS, Recounts**
  report of canvass, information to be included, 13-15-404, 13-15-506
  transmittal to legislative council, 13-27-504
Certification to election administrator, 13-10-208, 13-27-501
City-county consolidated government, See **CITY-COUNTY CONSOLIDATION — OPTION TWO, Initiative measures; Petitions**
Conservation districts, referenda, See **CONSERVATION DISTRICTS**
Constitutional amendments, Montana constitution
  applicability of laws, 13-27-101
  ballot arrangement, 13-12-207
  ballot issue, defined as, 13-1-101
  notice of proposed amendment, 13-27-311
  petition form, 13-27-207
  publication of proposed amendment, 13-27-311
  right, 13-27-101
Constitutional amendments, u.s. constitution, See **CONSTITUTION OF THE UNITED STATES**
Constitutional conventions, See **CONSTITUTION OF MONTANA; CONSTITUTION OF THE UNITED STATES**
Counting of votes, 13-27-503
County water and/or sewer districts, See **COUNTY WATER AND/OR SEWER DISTRICTS**
Crimes and prohibited acts
  falsification of petition, 13-27-106, 13-35-207
    warnings, 13-27-204 — 13-27-207
  tampering with petition, 13-27-106
    warnings, 13-27-204 — 13-27-207
Defined, 13-1-101
Effective date, 13-27-105
Election administrator, duties, See **COUNTY ELECTION ADMINISTRATOR**
Explanatory statement, See **Statements of implication or purpose**
Falsification, 13-27-106, 13-27-204 — 13-27-207, 13-35-207
Fiscal note and statement
  certification by secretary of state, 13-27-501
  preparation, 13-27-312
  referred legislation, upon, 13-27-315
  required, 13-27-312
  review by court, 13-27-316
  voter information pamphlet, inclusion in, 13-27-401
Flood control project boundary changes, 76-5-1106, See **FLOODS, Control projects**
Fraud, 13-27-106, 13-27-204 — 13-27-207
Governor, duties, See **GOVERNOR**
Initiatives
  alcoholic beverage sale or consumption, local option by county, 16-1-205
  applicability of laws, 13-27-101
  county, See **COUNTIES**
  Montana economic land development act, implementation, 15-24-1305
  petition form, 13-27-204
    constitutional amendment, 13-27-207
    constitutional convention, 13-27-206

BALLOT ISSUES (Continued)

Initiatives (Continued)
  right, 13-27-101
  small claims court
    abolishment by, 3-12-104
    creation by, 3-12-103
Land development tax incentives, 15-24-1305
Legislative Council, duties, See **LEGISLATIVE COUNCIL**
Libraries
  federations, withdrawal from, 22-1-402
  public, establishment, 22-1-303
Local government, See **LOCAL GOVERNMENT**, **Initiative and referendum**
Long-range building program bonds, 17-5-402
Montana Economic Land Development Act, implementation, 15-24-1305
Montana Recall Act, Title 2, chapter 16, part 6, See **RECALL**
Municipal commission-manager government, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**, **Petitions**
Notice
  ballot form, approval or rejection, 13-27-313
  constitutional amendment proposal, 13-27-311
  fiscal statements, action for review, 13-27-316
    appeal, notice of appeal, 13-27-316
  petition, approval or rejection, 13-27-202
  statements of purpose or implication, action for review, 13-27-316
    appeal, notice of appeal, 13-27-316
  voter information pamphlet
    committee appointments, notice to appointers, 13-27-403
    copies, where may be obtained, 13-27-401
Nuclear facility siting, approval, 75-20-201
Petitions
  approval, 13-27-202, 13-27-312, 13-27-316
  attorney general opinions, 13-27-202, 13-27-312, 13-27-316
  certification of
    circulator, 13-27-302
    election official, 13-27-304, 13-27-305, 13-27-307
    notary public, 13-27-307
    secretary of state, 13-27-308
  challenge of signatures, 13-27-306
  constitutional amendment, form, 13-27-207
  constitutional conventions, form, 13-27-206
  copies, 13-27-305
  court approval, 13-27-316
  destruction of records, 13-27-305
  electors, by, 13-27-102
  errors, 13-27-201
  falsification, 13-27-106, 13-35-207
  filing, 13-27-104, 13-27-316
  form, 13-27-201
    approval, 13-27-202, 13-27-312, 13-27-316
    constitutional amendments, 13-27-207
    constitutional conventions, 13-27-206
    initiatives, 13-27-204
    referenda, 13-27-205
  governor, certification to, 13-27-308
  initiatives, form, 13-27-204
  notarization, 13-27-307
  numbering, 13-27-203
  referenda, form, 13-27-205
  review, 13-27-202, 13-27-312, 13-27-316
  sample, 13-27-202
  signatures
    certification, 13-27-302
    challenge, 13-27-306

BALLOT ISSUES (Continued)

Petitions (Continued)
  signatures (Continued)
    number required for placement on ballot, 13-27-204 — 13-27-207
    solicitation on election day, 13-35-218
    sufficiency, 13-27-103
    tabulation, 13-27-307
  sufficiency of signatures, 13-27-103
  tabulation of signatures, 13-27-307
  tampering with, 13-27-106
  text of issue on, 13-27-202, 13-27-204 — 13-27-207
  title, 13-27-312
  verification, 13-27-303
    affidavit of circulator, 13-27-302
    filing for, 13-27-301
    transmittal to secretary of state, 13-27-304
  who may, 13-27-102
Political committee
  defined, 13-1-101
  finance reports, 13-37-226
Postsecondary vocational-technical center funding, 20-7-324
Proclamation of adoption or rejection by
  county canvassers, 13-15-405
  state canvassers, 13-15-507
Public employees' retirement system, employee approval of contract for membership, See **PUBLIC EMPLOYEES' RETIREMENT SYSTEM, Contracting employer**
Recall Act, Title 2, chapter 16, part 6, See **RECALL**
Recount when, 13-16-201, 13-16-301, 13-16-411, 13-16-418, See also **ELECTIONS, Recounts**
Referenda
  applicability of laws, 13-27-101
  conservation districts, within, See **CONSERVATION DISTRICTS**
  fiscal note and statement, 13-27-315
  numbering, 13-27-203
  petitions, forms, 13-27-205
  postsecondary vocational-technical center funding, 20-7-324
  right, 13-27-101
  school districts, for social security coverage, See **SOCIAL SECURITY, Referenda**
  social security system, participation in, See **SOCIAL SECURITY**
  statements of purpose and implication, 13-27-315
Register of candidates, information to be included, 13-10-205
Results, determination, 13-27-503, 13-27-504
Returns, 13-27-503
Right to, 13-27-101
School districts, for social security coverage, See **SOCIAL SECURITY, Referenda**
Secretary of state, duties, See **SECRETARY OF STATE**
Small claims court, creation and abolishment, 3-12-103, 3-12-104
Social security system, participation in, See **SOCIAL SECURITY**
Statements of implication or purpose
  certification by secretary of state, 13-27-501
  committee, preparation by, 13-27-312
  petition, upon, 13-27-312
  referred legislation, upon, 13-27-315
  review by court, 13-27-316
  review by secretary of state, 13-27-202
  title of measure, becomes, 13-27-312
Time
  approved issues, transmittal to legislative council, 13-27-504
  ballot form
    approval, 13-27-313
    transmittal to attorney general, 13-27-310
    transmittal to counties, 13-27-501
  constitutional amendment, publication, 13-27-311

BALLOT ISSUES (Continued)

Time (Continued)
  fiscal notes and statements
    adjudication, 13-27-316
    preparation, 13-27-312
  petition
    approval, 13-27-202, 13-27-312
    filing, 13-27-104
    legislative council review, 13-27-202
    sample, submission, 13-27-202
  statements of purpose and implication
    adjudication, 13-27-316
    transmittal, 13-27-312, 13-27-315
  voter information pamphlet
    arguments, filing, 13-27-406, 13-27-407
    committee appointments, filing, 13-27-403
    distribution, 13-27-410
    requisition to department of administration, 13-27-410
Title
  petition, statement of purpose as, 13-27-312
  referred legislation, limitation, 5-4-102
University system, funding for, 15-10-105
Voter information pamphlets
  arguments
    approval by majority of committee, 13-27-406, 13-27-407
    filing, 13-27-406
    form, 13-27-406
    improper, 13-27-408, 13-27-409
    length, 13-27-406
    liability, 13-27-409
    preparation by committees, 13-27-402
    rebuttals, 13-27-407
    rejection, 13-27-408
    submission to secretary of state, 13-27-402
  bids on, 13-27-410
  committees to prepare arguments
    appointment, 13-27-402, 13-27-403
    chairman, 13-27-404
    composition, 13-27-402
    expenses, 13-27-405
    required, 13-27-402
  contents, 13-27-401
  delivery, 13-27-410
  distribution, 13-27-410
  fiscal statement in, 13-27-401
  form, 13-27-401
  number, 13-27-410
  order of information, 13-27-401
  printing, 13-27-410
  required, 13-27-401
Voting machine requirements, 13-17-104, 13-17-306
Water conservation project boundary changes, 76-5-1106, See **FLOODS**, **Control projects**

BALLOTS

  See **ELECTIONS**

BAND CONCERTS

  See **CITIES AND TOWNS**, **Public band concerts**

BANG'S DISEASE

See **LIVESTOCK, Disease control**, generally

BANK ACT, Title 32, chapter 1, parts 1 — 5

See **BANKS AND TRUST COMPANIES**, generally

BANK DEPOSITS AND COLLECTIONS

See also **BANKS AND TRUST COMPANIES**, generally; **UNIFORM COMMERCIAL CODE — GENERAL PROVISIONS**

Acceptance
- death of customer, 30-4-405
- defined, 30-3-410, 30-4-104
- documentary drafts, 30-4-501, 30-4-503
- effect, 30-4-303
- incompetence of customer, 30-4-405
- notice of holding item for, 30-4-210
- order of performance, 30-4-303
- reservation of rights, 30-1-207
- warranty, 30-4-207

Account
- charge to, See **Charge of account**
- child support debts, service upon, 40-5-244
- defined, 30-4-401
- foreign corporations, of, 35-1-1002, 35-2-802
- statute of limitations, 27-2-213

"Afternoon" defined, 30-4-104

Agent, bank as, 30-4-201

Agreement
- damages, measure, 30-4-103
- defined, 30-1-201
- liability for action in accordance with, 30-4-203
- security, not necessary, 30-4-208
- varying law by, 30-1-102, 30-1-105, 30-4-103

Alteration
- charge to customer account, 30-4-401
- customer's duty when, 30-4-406
- warranty, 30-4-207

Applicability of laws
- branch banking, 30-1-111, 30-4-106
- clearinghouse rules, 30-4-103
- commercial paper law, 30-3-103, 30-4-102, 30-4-203
- federal reserve regulations, 30-4-103
- generally, 30-1-105, 30-3-103, 30-4-102, 30-4-104
- investment securities law, 30-4-102
- letters of credit law, 30-4-503, 30-5-102
- ownership rights, 30-4-201
- secured transactions law, 30-4-208, 30-9-104, 30-9-203
- variance by agreement, 30-1-102, 30-1-105, 30-4-103

Bad checks, issuance by depositor, 45-6-316

"Bank" defined, 30-1-201

"Banking day" defined, 30-4-104

Banking hours established, 30-4-107

Branch bank
- applicability of law, 30-1-111
- defined, 30-1-201, 30-4-106
- liability, law governing, 30-4-102

Breach of warranty, 30-4-207

Burden of proof
- defined, 30-1-201

BANK DEPOSITS AND COLLECTIONS (Continued)

Burden of proof (Continued)
  seasonable action, 30-4-202
  stop order, loss from payment contrary to, 30-4-403
Care, See **Ordinary care**
Cashier's check taken in settlement, 30-4-211
"Certificate of deposit" defined, 30-3-104, 30-4-104, 32-1-442
Certification
  charge to account immediate, 32-1-441
  date more than 6 months old, 30-4-404
  death of customer, 30-4-405
  defined, 30-3-411, 30-4-104
  deposit to cover required, 32-1-441
  effect, 30-4-303
  order of performance, 30-4-303
  settlement of item, 30-4-211
Charge-back, 30-4-212
Charge of account
  allowable when, 30-4-401
  authorization to, taken in settlement, 30-4-211
  check more than 6 months old, 30-4-404
  order of performance, 30-4-303
Check
  bad checks, issuance by depositor, 45-6-316
  certification, See **Certification**
  defined, 30-3-104, 30-4-104
  insurance against forgery or alteration, See **SURETYSHIP AND SURETIES**, generally
  payment date, 30-4-404
  settlement, taken in, 30-4-211
  stale, 30-4-404
  statute of limitations, 27-2-213
Child support debts, service of process for, 40-5-244
Citation, 30-1-101, 30-4-101
Claims preferred, 30-4-214, 32-1-534
Clearinghouse
  defined, 30-4-104
  rules, effect, 30-4-103
"Code" defined, 30-1-101
Collecting bank
  agency status, 30-4-201
  agreement with transferor, 30-4-203
  breach of warranty, 30-4-207
  charge-back, 30-4-212
  claims against, 30-4-214
  death of customer, 30-4-405
  defined, 30-4-104, 30-4-105
  delays, 30-4-108
  dishonor, See **Dishonor**
  documentary drafts, Title 30, chapter 4, part 5
  excuse for delay, 30-4-108
  final settlement, 30-4-208, 30-4-211, 30-4-213
  generally, Title 30, chapter 4, part 2
  holder in due course, as, 30-4-209
  incompetence of customer, 30-4-405
  insolvency, 30-4-214
  instructions by, 30-4-203
  item not payable at a bank, 30-4-210
  liability, See also **Liability**
    breach of warranty, 30-4-207
    conversion, 30-3-419
    dishonor of item, 30-4-211
    instructions to bank, action in accordance with, 30-4-203
    loss or destruction of item, 30-4-202

BANK DEPOSITS AND COLLECTIONS (Continued)

Collecting bank (Continued)
  notice of dishonor, See **Dishonor**
  "on arrival" drafts, 30-4-502
  ordinary care, requirement, 30-4-202
  "payable through" instruments, 30-3-120
  payment, See **Settlement**
  preference, 30-4-214
  presentment, See **Presentment**
  provisional credit, 30-4-213
  refund, 30-4-212
  revocation, 30-4-212
  rights, 30-4-201, 30-4-212
  security interest, 30-4-208, 30-9-203, 30-9-302, 30-9-312
  sending, manner of, 30-4-204
  settlement, See **Settlement**
  warranty, 30-4-207
Commercial paper law, applicability, 30-3-103, 30-4-102, 30-4-203
Conflict of laws, 30-1-105, 30-4-102
Conflict with other provisions
  commercial paper law, 30-4-102, 30-4-203
  generally, 30-1-105
  investment securities law, 30-4-102
  letters of credit law, 30-4-503
  secured transactions law, 30-4-208
Construction, 30-1-102, 30-1-104, 30-4-104
Conversion, 30-3-419
Corresponding bank's default, collecting bank's liability, 30-4-202
Credit
  collecting bank's right, 30-4-201
  first-in, first-out rule, 30-4-208
  provisional, 30-4-213
  security interest, 30-4-208
  withdrawal
    documentary drafts, 30-4-501
    right, 30-4-213
Customer
  alteration, duties when, 30-4-406
  charge of account, 30-4-401
  death, 30-4-405, 32-1-448
  defined, 30-4-104
  dishonor, wrongful — damages, 30-4-402
  incompetence, 30-4-405
  relationship with bank generally, Title 30, chapter 4, part 4
  signature, unauthorized — duties when, 30-4-406
  statement, duties, 30-4-406
  stop order, 30-4-403, 30-4-405
  warranty of, 30-4-207
Cut-off hour, 30-4-107
Damages
  dishonor, wrongful, 30-4-402
  limitation by agreement prohibited, 30-4-103
  measure, 30-4-103
  ordinary care, failure to exercise, 30-4-103
  remedies, liberal administration, 30-1-106
  warranty, breach, 30-4-207
Death of customer
  effect, 30-4-405
  foreign personal representative, payment to, 32-1-448
Debits, provisional, 30-4-213
Default, bank liability, 30-4-202
Deferred posting, 30-4-301

BANK DEPOSITS AND COLLECTIONS (Continued)

Definitions
  acceptance, 30-3-410
  certificate of deposit, 30-3-104, 32-1-442
  certification, 30-3-411
  check, 30-3-104
  code, 30-1-101
  demand deposit, 32-1-109, 32-1-445
  draft, 30-3-104
  generally, 30-1-102, 30-1-201, 30-4-104 — 30-4-106
  holder in due course, 30-3-302
  index, 30-4-104
  notice of dishonor, 30-3-508
  presentment, 30-3-504
  process of posting, 30-4-109
  protest, 30-3-509
  secondary party, 30-3-102
  time, 30-1-204
  time deposit, 32-1-109, 32-1-445
Delays
  notice of, ordinary care to be taken, 30-4-202
  return of item, 30-4-302
  warranty, claim for breach, 30-4-207
Demand item
  defined, 32-1-109, 32-1-445
  dishonor, 30-4-301
Depositary bank
  charge-back, 30-4-212
  defined, 30-4-104, 30-4-105
  endorsement, missing, 30-4-205
  liability, 30-3-419
  refund, 30-4-212
  return of item, 30-4-212
  withdrawal of credit, 30-4-213
Deposit final when, 30-4-213
Destruction of item, 30-4-202
Discharge, when delays, 30-4-108
Dishonor
  charge-back, 30-4-212
  documentary drafts, 30-4-501, 30-4-503, 30-4-504
  evidence, 30-3-510
  notice of
    defined, 30-3-508, 30-4-104
    documentary draft, 30-4-501
    late, 30-4-302
    ordinary care required, 30-4-202
    payor bank, 30-4-301
    recovery of payment, 30-4-301
    secondary party, 30-4-210
    time, 30-4-301
    warranty, 30-4-207
  "on arrival" drafts, effect, 30-4-502
  refund, 30-4-212
  remittance item, 30-4-211
  return as, 30-3-507, 30-4-301
  revocation of settlement, 30-4-212
  warranty, 30-4-207
  when, 30-3-507, 30-4-210, 30-4-301
  wrongful, liability, 30-4-402
Documentary drafts
  acceptance, 30-4-503
  applicability of laws, 30-5-102
  defined, 30-4-104

BANK DEPOSITS AND COLLECTIONS (Continued)

Documentary drafts (Continued)
  delivery of documents and goods, 30-4-503
  dishonor
    goods, disposition, 30-4-504
    notification, 30-4-501
    report of reasons, 30-4-503
  documents, duties, 30-4-503
  generally, Title 30, chapter 4, part 5
  goods, privileges respecting, 30-4-504
  handling, 30-4-501
  instructions regarding, 30-4-503, 30-4-504
  lien of bank, 30-4-504
  nonacceptance, 30-4-501
  "on arrival" drafts, 30-4-502
  presentment, 30-4-501 — 30-4-503
  security interest, 30-4-504
Drafts
  defined, 30-3-104, 30-4-104
  documentary, Title 30, chapter 4, part 5, See **Documentary drafts**
  "on arrival", 30-4-502
Drawer
  subrogation of payor bank's rights to, 30-4-407
  warranty of signature, 30-4-207
Electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Endorsement
  missing, 30-4-205, 30-4-207
  "pay any bank", 30-4-201
  "payee's endorsement required", 30-4-205
  restrictive, 30-3-206, 30-3-419, 30-4-203, 30-4-205
  settlement, provisional, 30-4-201
  unauthorized, 30-4-406
  warranties, 30-4-207
Engagement to honor, 30-4-207
Excuse for delay, 30-4-108
Federal reserve regulations, effect, 30-4-103
Final settlement, 30-4-208, 30-4-211, 30-4-213
Fire department relief association fund, investment, 19-11-402
Foreign branch of bank, 30-1-111, 30-1-201, 30-4-102, 30-4-106
Foreign corporations, accounts of, 35-1-1002, 35-2-802
Foreign currency, charge-back or refund of item payable in, 30-4-212
Generally, Title 30, chapter 4, part 1
Good faith
  agreement disclaiming, 30-4-103
  defined, 30-1-201
  obligation, 30-1-203
Holder
  bank as, 30-4-201
  defined, 30-1-201
  subrogation of payor bank's rights to, 30-4-407
Holder in due course
  bank as, 30-4-209
  defined, 30-3-302, 30-4-104
  subrogation of payor bank's rights to, 30-4-407
Hours of operation, 30-4-107
Incompetence of customer, 30-4-405
Indorsement, See **Endorsement**
Insolvency
  defined, 30-1-201
  falsification respecting, 32-1-505
  liability of other banks, 30-4-202
  liquidation, priority of claims, 32-1-534
  receipt of deposit prohibited, 32-1-504, 32-1-505

BANK DEPOSITS AND COLLECTIONS (Continued)

Insolvency (Continued)
  return of item, 30-4-214
  trust, deposits in, 32-1-504
  unclaimed funds, 32-1-537
  warranty against, 30-4-207
Instructions
  documentary draft, 30-4-503, 30-4-504
  effect, 30-4-203
  sending item, 30-4-204
  who may give, 30-4-203
Intermediary bank
  defined, 30-4-104, 30-4-105
  restrictive endorsement, effect, 30-3-206, 30-3-419, 30-4-205
  return of item, 30-4-212
Interpretation generally, 30-1-102, 30-4-104
Investment securities law, applicability, 30-4-102
"Item" defined, 30-4-104
Joint deposits, survivorship, 32-1-442
Laws applicable, See **Applicability of laws**
Legal process, item subject to, 30-4-303
Letters of credit law, applicability, 30-4-503, 30-5-102
Liability
  agreements respecting, 30-4-103, 30-4-203
  alteration, 30-4-406
  charge-back, effect on, 30-4-212
  conflict of laws, 30-1-105, 30-4-102
  conversion, 30-3-419
  customer, 30-4-406
  delays, 30-4-108
  destruction of item, 30-4-202
  dishonor of item, 30-4-211
    wrongful, 30-4-402
  instructions, 30-4-203
  item in another's possession, 30-4-202
  item in transit, 30-4-202
  loss of item, 30-4-202
  measure by agreement, 30-4-103
  return, late, 30-4-302
  signature, unauthorized, 30-4-406
  variance by agreement, 30-4-103
  warranty, breach, 30-4-207
Lien, dishonor of documentary draft, 30-4-504
Loss of item, 30-4-202
Maker
  subrogation of payor bank's rights to, 30-4-407
  warranty on signature, 30-4-207
Midnight deadline
  charge-back, 30-4-212
  defined, 30-4-104
  dishonor by, 30-4-211
  refund, 30-4-212
  return of items, 30-4-212, 30-4-302
  revocation of settlement, 30-4-212, 30-4-301
  seasonable action, 30-4-202
Minors' deposits, 32-1-444
Misconduct, bank liability, 30-4-202
Mistake
  bank liability, 30-4-202
  wrongful dishonor, 30-4-402
Neglect, bank liability, 30-4-202
Nonpayment, notice of, 30-4-202, 30-4-301
Notice of dishonor, See **Dishonor**

BANK DEPOSITS AND COLLECTIONS (Continued)

Notices
  branch bank, effect on, 30-4-106
  defined, 30-1-201
  holding item for action, 30-4-210
  incomplete items, 30-4-401
  item subject to, 30-4-303
  nonpayment, 30-4-202, 30-4-301
  ordinary care required, 30-4-202
  presentment, 30-4-210
  restrictive endorsement, 30-3-206, 30-4-205
Orders, branch bank, 30-4-106
Ordinary care
  alteration, payments when, 30-4-406
  charge-back, effect on, 30-4-212
  damages, failure to exercise, 30-4-103
  exercised, how, 30-4-103
  requirement, 30-1-102, 30-4-202
  signature, unauthorized — payments when, 30-4-406
Overdraft, charge when, 30-4-401
Payee, subrogation of payor bank's rights to, 30-4-407
Payments, See **Settlement**
Payor bank
  altered item, payment, 30-4-401, 30-4-406, 30-4-407
  charge-back, 30-4-212
  charge, may when, 30-4-401
  claims against, 30-4-214
  credit, revocation, 30-4-301
  death of customer, 30-4-405
  defined, 30-4-104, 30-4-105
  delays, 30-4-108
  demand item, receipt, 30-4-301
  depositary bank as, 30-4-105
  dishonor
    evidence, 30-3-510
    wrongful, liability, 30-4-402
  excuse for delay, 30-4-108
  final payment, 30-4-213
  generally, Title 30, chapter 4, parts 3 and 4
  incompetence of customer, 30-4-405
  insolvency, 30-4-214
  legal process, item subject to, 30-4-303
  liability, See also **Liability**
    conversion, 30-3-419
    dishonor, wrongful, 30-4-402
    payment when item altered or unauthorized signature, 30-4-406, 30-4-407
    presentment, upon, 30-4-302
  notice, item subject to, 30-4-303
  notice of dishonor, 30-4-301
  notice of nonpayment, 30-4-301
  order of performance, 30-4-303
  overdraft, charge when, 30-4-401
  payment, See **Settlement**
  preference, 30-4-214
  presentment, See **Presentment**
  process of posting, 30-4-109
  recovery of payment, 30-4-301
  refund, 30-4-212
  relationship with customer generally, Title 30, chapter 4, part 4
  restrictive endorsement, effect, 30-3-206, 30-3-419, 30-4-205
  return of item, 30-4-212, 30-4-301, 30-4-302
  sending to, 30-4-204
  setoff, item subject to, 30-4-303

BANK DEPOSITS AND COLLECTIONS (Continued)

Payor bank (Continued)
  settlement, See **Settlement**
  signature, unauthorized — liability for payment when, 30-4-406, 30-4-407
  special procedures, item subject to, 30-4-303
  stale check, 30-4-404
  stop order, 30-4-303, 30-4-403, 30-4-407
  subrogation of rights, 30-4-407
  suspension of payments, 30-4-214
  withdrawal of credit, 30-4-213
Personal representative, foreign — payments to, 32-1-448
Posting
  completion
    effect, 30-4-303
    final payment, as, 30-4-213
  deferred, 30-4-301
  order, 30-4-303
  "process of posting" defined, 30-4-109
Preference, 30-4-214
Presenting bank
  defined, 30-4-104, 30-4-105
  insolvency, effect on, 30-4-214
Presentment
  check more than 6 months old, 30-4-404
  conflict of laws, 30-1-105, 30-4-102
  defined, 30-3-504, 30-4-104
  documentary drafts, 30-4-501 — 30-4-503
  item not payable at bank, 30-4-210
  manner, 30-4-204, 30-4-210
  "on arrival" drafts, 30-4-502
  ordinary care required, 30-4-202
  "payable through" instruments, 30-3-120
  place, 30-4-204
  remittance instrument, 30-4-211
  stale check, 30-4-404
  time, 30-3-503, 30-3-507
  written notice, 30-4-210
"Process of posting" defined, 30-4-109, See **Posting**
"Properly payable" defined, 30-4-104
Protest
  defined, 30-3-509, 30-4-104
  ordinary care required, 30-4-202
  recovery of payment, 30-4-301
  warranty, 30-4-207
Provisional debits and credits, when final, 30-4-213
Provisional payment, 30-4-201, 30-4-211 — 30-4-214
Provisional settlement, 30-4-201, 30-4-211 — 30-4-214
Public funds, 17-6-211, 32-1-447, 32-1-534, See also **LOCAL FINANCE**, **Deposit of public moneys**
Receipt of item
  final settlement, 30-4-208
  time of, 30-4-107
Refund, right to, 30-4-212
Reimbursement, 30-4-212
Remedies, liberal administration, 30-1-106
Remittance instrument taken in settlement, 30-4-211
"Remitting bank" defined, 30-4-104, 30-4-105
Reservation of rights, performance or acceptance, 30-1-207
Restrictive endorsement, 30-3-206, 30-3-419, 30-4-203, 30-4-205
Return of item, 30-4-212
  insolvency, effect, 30-4-214
  late
    effect, 30-4-303
    liability, 30-4-302

BANK DEPOSITS AND COLLECTIONS (Continued)

Return of item (Continued)
    manner of, 30-4-301
    recovery of payment, 30-4-301
Revocation
    death or incompetence of customer, 30-4-405
    provisional settlement, 30-4-212
    settlement without right, 30-4-213, 30-4-303
    time, 30-4-301
Safe deposit, See **BANKS AND TRUST COMPANIES**
School district money, investment, 20-9-213
Scope of laws, See **Applicability of laws**
Seasonable action, 30-1-204, 30-4-202, 30-4-301
Secondary parties
    defined, 30-3-102, 30-4-104
    delay, effect, 30-4-108
    liability, 30-4-210
Security for deposit prohibited when, 32-1-447
Security interest of bank
    collecting bank, 30-4-208, 30-4-209, 30-9-203, 30-9-302, 30-9-312
    defined, 30-1-201
    documentary drafts, upon goods when dishonor, 30-4-504
    transfers, exclusion, 30-9-104
Sending, method, 30-4-204
Separate office of bank, 30-1-111, 30-1-201, 30-4-102, 30-4-106
Setoff
    collecting bank's right, 30-4-201
    item subject to, 30-4-303
"Settle" defined, 30-4-104
Settlement
    agency status, 30-4-201
    authorization, 30-3-121
    charge-back, effect, 30-4-212
    check more than 6 months old, 30-4-404
    conflict of laws, 30-1-105, 30-4-102
    death of customer, 30-4-405
    delay, 30-4-108
    documentary drafts, 30-4-501, 30-4-502
    endorsement, effect, 30-4-201
    final, 30-4-208, 30-4-211, 30-4-213
    generally, 30-4-211
    improper, subrogation of bank's rights, 30-4-407
    incompetence of customer, 30-4-405
    insolvency, effect, 30-4-214
    item not payable at bank, 30-4-210
    notice of holding item for, 30-4-210
    notice of nonpayment
        ordinary care required, 30-4-202
        recovery of payment, 30-4-301
    "on arrival" drafts, 30-4-502
    order of performance, 30-4-303, 32-1-534
    ordinary care, 30-4-202, 30-4-406
    "payable through" instruments, 30-3-120
    "process of posting" defined, 30-4-109
    provisional, 30-4-201, 30-4-211 — 30-4-214
    recovery, 30-4-301
    refund, effect, 30-4-212
    refusal, 30-4-502
    remittance cases, 30-4-211
    reservation, without — effect, 30-4-303
    revocation, 30-4-301
    security interest, realization, 30-4-208
    "settle" defined, 30-4-104

BANK DEPOSITS AND COLLECTIONS (Continued)

Settlement (Continued)
    stale date, 30-4-404
    statute of limitations, 27-2-213
    stop, See **Stop order**
    suspension of payments, effect, 30-4-108, 30-4-214
    waiver of provisions when, 30-4-108
    warranty, 30-4-207
Short title, 30-1-101, 30-4-101
Signature, See also **Endorsement**
    unauthorized, 30-4-406
    warranty, 30-4-207
Stale check, 30-4-404
State funds, investment, 17-6-211, See also **Public funds**
Statement, customer's duty to examine, 30-4-406
Statute of limitations, 27-2-213
Statutes applicable, See **Applicability of laws**
Stop order
    branch bank, 30-4-106
    customer's right, 30-4-403
    death of customer, 30-4-405
    effect, 30-4-403
    item subject to, 30-4-303
    oral, 30-4-403
    subrogation of bank, improper payment, 30-4-407
    time, 30-4-403
Subrogation of payor bank, 30-4-407
Suspension of payments
    charge-back when, 30-4-212
    claim preference, 30-4-214, 32-1-534
    defined, 30-4-104
    delay caused by, 30-4-108
Time
    "afternoon" defined, 30-4-104
    alteration of item, reporting, 30-4-406
    "banking day" defined, 30-4-104
    branch bank, effect on computation, 30-4-106
    cut-off hour, 30-4-107
    delays, 30-4-108
    hours of operation, 30-4-107
    midnight deadline, See **Midnight deadline**
    notice of dishonor, 30-4-301
    notice of presentment, 30-4-210
    payment, obligation, 30-4-404
    presentment, 30-3-503, 30-3-507, 30-4-210
    "reasonable" defined, 30-1-201
    return of item, 30-4-301
    seasonable action, 30-1-204, 30-4-202, 30-4-301
    settlement, 30-4-211
    signature, unauthorized — reporting, 30-4-406
    stop order, 30-4-403
    warranty, claim for breach, 30-4-207
"Time deposits" defined, 32-1-109, 32-1-445
Title, warranty, 30-4-207
Transfer between banks
    manner, 30-4-206
    secured transactions, exclusion, 30-9-104
    warranty, 30-4-207
Transferor
    identification, 30-4-206
    instructions by, 30-4-203
    restrictive endorsement, effect, 30-3-206, 30-3-419
Transmission, method, 30-4-204

BANK DEPOSITS AND COLLECTIONS (Continued)

Trust deposits, 32-1-443
Unclaimed, See **PERSONAL PROPERTY**, **Unclaimed or abandoned property**, banking organizations
Value given by bank, 30-4-209
  defined, 30-1-201
Varying law by agreement, 30-1-102, 30-1-105, 30-4-103
Waiver
  claim or right, 30-1-107
  provisions when, 30-4-108
Warranties, 30-4-207
Withdrawal of credit, 30-4-213

BANKING BOARD, STATE

See **BANKS AND TRUST COMPANIES**

BANKRUPTCY

Banks and trust companies, See **BANKS AND TRUST COMPANIES**, **Closure**; **Impairment**; **Insolvency**; **Liquidation**
Building and loan associations, See **BUILDING AND LOAN ASSOCIATIONS**, **Liquidation**
Bulk transfers, See **BULK TRANSFERS**
Cities or towns, See **CITY FINANCE**
Consumer reports, inclusion of information in, 31-3-112
Credit reports, inclusion of information in, 31-3-112
Credit unions, See **CREDIT UNIONS**, **Liquidation**
Discharge, defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Execution, applicability of laws, 31-2-106
Exemptions, applicability of laws, 31-2-106
Fish and game license agents, preferred claim of state when, 87-2-902
Fraudulent conveyance, applicability of laws, 31-2-324
Investment companies, See **BANKS AND TRUST COMPANIES**, **Closure**; **Impairment**; **Insolvency**; **Liquidation**
Irrigation districts, 85-7-2041
Landlord-tenant relationships, applicability of laws, 70-24-105
Limited partnerships, general partner, 35-12-802
Motor vehicle certificate of ownership, transfer of interest, 61-3-201
Municipal, See **CITY FINANCE**
Police officers' retirement system benefits, exemption, 19-10-504
Real estate broker provisions, trustee exempt from, 37-51-103
Sales, effect on cost price, 30-14-212
Savings and loan associations, See **BUILDING AND LOAN ASSOCIATIONS**, **Liquidation**
Savings banks, See **BANKS AND TRUST COMPANIES**, **Closure**; **Impairment**; **Insolvency**; **Liquidation**
Securities transactions, effect, 30-10-105
Trust companies, See **BANKS AND TRUST COMPANIES**, **Closure**; **Impairment**; **Insolvency**; **Liquidation**
Trustee as lien creditor, 30-9-301

BANKS AND TRUST COMPANIES

See also **BANK DEPOSITS AND COLLECTIONS**

Acceptances, state funds invested in, 17-6-211
Accounting rules, 32-1-218
Accounts, See **Bad debts**; **BANK DEPOSITS AND COLLECTIONS**
Actions against, statute of limitations, 27-2-213
Administration of Bank Act, 32-1-203
Administrator in probate proceedings, See **Personal representative in probate proceedings**

BANKS AND TRUST COMPANIES (Continued)

Advertising
  capital stock, 32-1-451
  commerce, department of — advertising prior to authorization by, unlawful, 32-1-401
  corporate name, restrictions, 32-1-402
  electronic funds transfers, 32-6-307
  false advertising prohibited, 32-1-401 — 32-1-403
  foreign corporations, 32-1-103
  injunction, 32-1-402
  resources and liabilities, statement of, 32-1-451
  unlawful when, 32-1-401 — 32-1-403
Agent, See **Liquidation**, liquidating agent; **Officers and employees**
Agricultural marketing associations, as treasurer of, 35-17-312
Application of laws, 32-1-101, 32-1-102
  branch banking, 32-1-362
  corporation law, 35-1-107, 35-1-1006
  national bank laws, 32-1-362
Assets
  concealment of loan or discount of, 32-1-472
  examination, 32-1-211
    fee, 32-1-213
    stockholders' right, 32-1-339
  fiduciary substitution, transfer of assets, 32-1-807, 32-1-808
  investment, See **Investments**
  liquidation, See **Liquidation**
  pledge of, limitations, 32-1-411
  possession by department of commerce when, 32-1-502, 32-1-511 — 32-1-513
  purchase or sale for sum less than value, 32-1-466
  sale to federal deposit insurance corporation, 32-1-606
  security for loan from federal deposit insurance corporation, 32-1-606
Attachment of bank property prohibited, 32-1-111, See also **Insolvency**
Bad check, issuance by depositor, 45-6-316
Bad debts
  collection, 32-1-454
  corporate stock, purchase to prevent loss to bank, 32-1-422
  dividends, effect on payment of, 32-1-452
  generally, 32-1-452
  insolvency, disposition of bad debts, 32-1-516
  interest or commissions on, unpaid — calculation in profits when, 32-1-453
  losses paid by surplus, 32-1-452
Bank Act
  administration, 32-1-203
  applicability, 32-1-101, 32-1-102
  citation, 32-1-101
  exclusions, 32-1-102
  preexisting banks, applicability to, 32-1-102
  unincorporated banks, applicability to, 32-1-102
  violation generally, 32-1-101, 32-1-110, 32-1-403, See also **Unlawful practices**
"Bank" defined, 30-1-201, 32-1-102
Bankers' liens, 71-3-1502
Bank holding company, use of "bank" in name, 32-1-402
Banking Board, State
  advisor to department of commerce, 32-1-202
  allocation, 2-15-1803
  certificate of authorization, final determination by, 32-1-202 — 32-1-206
  composition, 2-15-1803, 32-1-201
  governor, removal of members by, 32-1-201
  hearings by, 32-1-204, 32-1-205
    prehearing discovery, 32-1-205
  incorporation of new banks, 32-1-302, 32-1-303, See also **Incorporation**
  meetings, 32-1-201
  members
    compensation, 32-1-201

BANKS AND TRUST COMPANIES (Continued)

Banking Board, State (Continued)
  members (Continued)
    conflict of interest, 32-1-206
    disqualification when, 32-1-206
    removal, 32-1-201
  new banks, 32-1-202 — 32-1-206, 32-1-302, 32-1-303, See **Incorporation**
  oath, power to administer, 32-1-205
  powers and duties generally, 32-1-202
  public representation on, 2-15-1803
  reorganization of banks, 32-1-204, 32-1-371
  rules adopted by, 32-1-203
  subpoenas, power to issue, 32-1-204, 32-1-205
  termination, 2-8-103
  term of office, 2-15-1803
  vacancies, 2-15-1803
"Banking day" defined, 30-4-104
Bankruptcy, See **Closure**; **Impairment**; **Insolvency**; **Liquidation**
Board of directors, See **Directors, board of**
Bond issues, purchase or underwriting of, 32-1-433
Bookkeeping rules, 32-1-218
Borrowing by, See **Indebtedness of**
Borrowing from, See **Loans**
Branch banks
  defined, 30-1-111, 30-1-201
  liability, 30-4-102
  national bank powers extended to state banks, 32-1-362
  prohibited when, 32-1-372
  requirements for, 32-1-372
  uniform commercial code, effect, 30-1-111
Building and loan associations, See **BUILDING AND LOAN ASSOCIATIONS**
Bylaws
  adoption, 32-1-308
  amendment, repeal, or adoption when, 32-1-308, 32-1-484
  capital, increase in — special meeting, 32-1-340
  certification, 32-1-308
  contents, 32-1-308
  directors, board of — election, 32-1-322
    proxy, 32-1-323
  dividends, declaration, 32-1-452
  impairment, special meeting, 32-1-506
  incorporation, See **Incorporation**
  liquidation, voluntary, 32-1-501
  penalties for violations, provisions for, 32-1-308
  repeal, 32-1-308
  saturday closing, 32-1-484
  special meeting
    capital, increase in, 32-1-340
    impairment, 32-1-506
  violation, provision for penalties, 32-1-308
Campaign depositories, as, 13-37-205
Capital stock, See **Stock**
Cease and desist order, See **Unsafe practices**
Cemetery association, as trustee of permanent care fund, 35-20-302
Certificates
  authorization, See **Incorporation**
  capital stock, issuance, 32-1-340
  change to national bank, 32-1-365
  deposit, See **COMMERCIAL PAPER**
  incorporation, See **Incorporation**
  proceedings, 32-1-355, 32-1-356
Certified checks, 30-3-411, 32-1-441, See also **BANK DEPOSITS AND COLLECTIONS**; **COMMERCIAL PAPER**

BANKS AND TRUST COMPANIES (Continued)

Charge card, See **CREDIT TRANSACTIONS, Credit cards; Retail installment sales; ELECTRONIC FUNDS TRANSFER**
Charter, See **Incorporation**
Checking account, See **BANK DEPOSITS AND COLLECTIONS**
Checks, See **BANK DEPOSITS AND COLLECTIONS**
Citation of Bank Act, 32-1-101
Classes and purposes
  commercial bank, 32-1-102, 32-1-105
  foreign corporations, 32-1-103
  investment company, 32-1-102, 32-1-108
  savings bank, 32-1-102, 32-1-106
  trust company, 32-1-102, 32-1-107
Closure, See also **Impairment**; **Insolvency**; **Liquidation**; **BANK DEPOSITS AND COLLECTIONS, Suspension of payments**
  aggrieved banks, recourse by, 32-1-516
  assets and property, attachment prohibited when, 32-1-111, 32-1-512
  attachment of bank property or assets prohibited when, 32-1-111, 32-1-512
  borrowing authorized when, 32-1-507, 32-1-606
  commerce, department of
    authority to close, 32-1-502
    grounds for closure by, 32-1-502
    liability, 32-1-502
    possession of bank and its affairs in closure, 32-1-511
      court action, 32-1-515, 32-1-516
      notice, 32-1-511, 32-1-513
        effect, 32-1-512
      resumption of business, 32-1-514
    powers generally, 32-1-502, 32-1-515
    resumption of business by closed bank, 32-1-514
  court action, 32-1-515, 32-1-516
  emergency, See **Emergency closure**
  federal agencies, indebtedness to — authorized when, 32-1-507, 32-1-606
  federal deposit insurance corporation, indebtedness to — authorized when, 32-1-606
  grounds for, 32-1-502
  holidays, See **Holidays**
  indebtedness authorized when, 32-1-507, 32-1-606
  injunction to stay proceedings, 32-1-516
  notice
    insolvency, to creditors, 32-1-531
    possession by department of commerce, 32-1-511, 32-1-513
      effect, 32-1-512
  possession of bank by department of commerce, 32-1-511
    aggrieved banks, recourse by, 32-1-516
    court proceedings, 32-1-515, 32-1-516
    injunction to stay proceedings, 32-1-516
    notice and effect, 32-1-511 — 32-1-513
    resumption of business, 32-1-514
  property and assets, attachment prohibited when, 32-1-111, 32-1-512
  resumption of business, 32-1-514
  stockholders, liability, 32-1-333, 32-1-334
  taxation, 32-1-509
Collections, See **BANK DEPOSITS AND COLLECTIONS**
Commerce, Department of
  bad debts, collection, 32-1-454
  banking board, state — advisor to department, 32-1-202
  certificate of proceedings, approval by, 32-1-355, 32-1-356
  closure, See **Closure**
  conflict of interest of director or examiners prohibited, 32-1-212
  director, duties regarding unsafe practices and removal of directors or officers, 32-1-901 — 32-1-912, 32-1-921
  electronic funds transfers, See **ELECTRONIC FUNDS TRANSFER**
  examinations by, See **Examinations**

BANKS AND TRUST COMPANIES (Continued)

Commerce, Department of (Continued)
  impairment, See **Impairment**
  incorporation, 32-1-302, See also **Incorporation**
  injunctions requested when, 32-1-402, 32-1-403
  insolvency, See **Insolvency**
  interest by department or examiners in Montana bank unlawful, 32-1-212
  liquidation, See **Liquidation**
  national bank, state bank's
    change to, 32-1-361, 32-1-363 — 32-1-365, See **National banks**
    exercise of powers of, approval, 32-1-362
  new banks, 32-1-302, See also **Incorporation**
  oaths, power to administer when, 32-1-211
  organizational changes of banks, action in, 32-1-351 — 32-1-356
  possession of bank in closure, See **Closure**
  removal of directors or officers
    notice of intention, 32-1-905
    order for, issuance, 32-1-905, 32-1-908
      review, 32-1-910
    rulemaking authority, 32-1-911
    service, manner of, 32-1-911
    suspension or prohibition from participation, 32-1-907, 32-1-908
  reports by banks to, 32-1-231 — 32-1-236, See **Reports**
  reserve levels set by, 32-1-455
  rulemaking authority, 32-1-218
    unsafe practices and removal of directors or officers, 32-1-911
    violation of rules ground for bank closure, 32-1-502, See also **Closure**
  special examinations by, See **Examinations**
  subpoenas, power to issue when, 32-1-211
  supervision of banks, 32-1-211
    fee, 32-1-213
  trusts, examination of, 32-1-217, See also **Examinations**
  unsafe practices
    cease and desist order, issuance, 32-1-902
      review, 32-1-910
      temporary order, 32-1-904
    charge, 32-1-902
    rulemaking authority, 32-1-911
    service, manner of, 32-1-911
Commercial banks
  bond issues, limitations on purchase or underwriting, 32-1-433
  classification, 32-1-102
  defined, 32-1-105
  investments in corporate stock restricted, 32-1-422
Commercial Code, regulation by, See **BANK DEPOSITS AND COLLECTIONS**
Commercial paper, See **COMMERCIAL PAPER**
Common Trust Act, Uniform, Title 32, chapter 1, part 7, See **Common trust funds**
Common trust funds
  accounting, 32-1-704
  administration, 32-1-703
  affiliates, 32-1-703, 32-1-706, 32-1-707
  applicability of laws, 32-1-702, 32-1-708
  authorized when, 32-1-703
  citation of uniform common trust fund act, 32-1-701
  corporation license tax, subject to, 15-31-101, See **TAXATION, Corporations**
  insurance laws, applicability, 32-1-708
  interest in fund, nature, 32-1-706
  interpretation, uniformity, 32-1-705
  securities laws, applicability, 32-1-708
Computerized banking, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Condominium funds deposited in escrow with, 70-23-201
Conflict of interest
  banking board, state — member of, 32-1-206

BANKS AND TRUST COMPANIES (Continued)

Conflict of interest (Continued)
  commerce, director of department of, 32-1-212
  examiner, bank, 32-1-212
  officer, bank, 32-1-463
  stockholders, 32-1-463
Consolidation
  authorization, 32-1-202
  hearing required, 32-1-204, 32-1-205
  procedure and effect, 32-1-371
Consumer loan business, exempt from licensee requirements respecting, 32-5-103
Continual succession, 32-1-306
Conversion to national bank, See **National banks**
Corporate existence
  cessation, 32-1-508, 32-1-538
  evidence of, 32-1-305
Corporation laws inapplicable, 35-1-107, 35-1-1006
Creditor's claims, See **Liquidation**
Credit unions, See **CREDIT UNIONS**
Crimes, See **Unlawful practices**
Death of customer, 30-4-405, See also **Personal representative in probate proceedings**
Debt adjustment by, 31-3-203
Definitions
  bank, 30-1-201, 32-1-102
  banking day, 30-4-104
  branch or separate office, 30-1-111, 30-1-201
  commercial bank, 32-1-105
  generally, 32-1-109
  investment company, 32-1-108
  savings bank, 32-1-106
  special examination, 32-1-214
  trust company, 32-1-107
Delinquent accounts, See **Bad debts**
Depository for public funds, See **STATE TREASURER, Depositories**
Deposits and depositors, See **BANK DEPOSITS AND COLLECTIONS**; See also **COMMERCIAL PAPER**
Development credit corporation, membership in, 32-4-101, 32-4-302, See also **DEVELOPMENT CREDIT CORPORATIONS**, generally
Directors, board of
  articles of agreement, named in, 32-1-301
  bonding of officers and employees, 32-1-461
  conflict of interest, 32-1-463
  consolidation of banks, 32-1-371, See **Consolidation**
  defined, 32-1-901
  dividends, declaration by, See **Dividends**
  election, 32-1-322, 32-1-323, 32-1-921
  hours of operation, change by, 32-1-484
  impairment, action when notified of, 32-1-506, See also **Impairment**
  liability for debts of corporation when, 32-1-235
  liquidating agent appointed by, 32-1-501
  loans to directors, 32-1-467, See also **Loans**
  meetings
    business, 32-1-325
    conduct, 32-1-323, 32-1-325
    first meeting, 32-1-321
    frequency, 32-1-325
    minutes, false entry, 32-1-325
  national bank, when state bank reorganized as — change in directors, 32-1-363, 32-1-364, See also **National banks**
  notaries public, as, 1-5-417
  number, change in and procedure therefor, 32-1-353, 32-1-356
  oath, 32-1-322

BANKS AND TRUST COMPANIES (Continued)

Directors, board of (Continued)
    officers and employees, See also **Officers and employees**
        bonding, 32-1-461
        election, 32-1-325
    qualifications
        generally, 32-1-203, 32-1-322
        stock requirements, 32-1-324
    removal of member, See **Removal of directors or officers**
    savings bank, additional requirements, 32-1-421
    special examination of bank requested by, 32-1-216, See also **Examinations**, generally
    temporary members, 32-1-909
    tenure, 32-1-322
    unlawful practices, 32-1-325, 32-1-463 — 32-1-466, 32-1-473, 32-1-504, 32-1-505, 32-1-905, 32-1-908, 32-1-921, See **Unlawful practices**
    vacancies, how filled, 32-1-301, 32-1-322, 32-1-356
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Disincorporation, See **Closure**; **Impairment**; **Insolvency**; **Liquidation**
Dissolution, See **Closure**; **Impairment**; **Insolvency**; **Liquidation**
Dividends, See also **Profits**; **Surplus**
    declaration and payment, 32-1-452
        report to department of commerce, 32-1-232
    liquidation, payment in, 32-1-533 — 32-1-535, See **Liquidation**, creditors' claims
    transfer of stock, payment when, 32-1-332
Documents of title
    delivery, 30-2-308
    tender, 30-2-503
Doubtful paper, See **Bad debts**
Drafts, 32-1-437, See also **BANK DEPOSITS AND COLLECTIONS**; **COMMERCIAL PAPER**
Drive-up windows, 32-1-372, See also **ELECTRONIC FUNDS TRANSFER**, **Terminals**
Earnings, See **Dividends**; **Profits**; **Stock**; **Surplus**
Election campaign depositories, 13-37-205
Electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Embezzlement, See **Unlawful practices**, theft
Emergencies, delay caused by, 30-4-108
Emergency closure
    commerce, department of
        authority to close, 32-1-562
        notice of closure to, 32-1-564
    definitions, 32-1-561
    effect, 32-1-565
    liability of bank upon closing, 32-1-565
    officers, bank — authority to close, 32-1-563
Employees, See **Officers and employees**
Endowment care funds, as trustee, 35-20-302, 35-21-610
Enforcement of banking laws generally, 32-1-110, 32-1-403, See also **Unlawful practices**
Entries in bank records and reports
    bonding of employees making, 32-1-461
    failure to make, 32-1-464
    false, 32-1-236, 32-1-325, 32-1-464
        insolvency, 32-1-505
    minutes of meeting of board of directors, false entry in, 32-1-325
Ethics, See **Conflict of interest**
Examinations, by department of commerce
    authority to examine, 32-1-211, 32-1-403
    bonds of officers and employees, 32-1-461
    building and loan associations, 32-1-214, 32-1-215
    credit unions, 32-1-214, 32-1-215
    directors, board of — minutes of meetings, 32-1-325
    examiners, conflict of interest, 32-1-212

BANKS AND TRUST COMPANIES (Continued)

Examinations (Continued)
- federal deposit insurance corporation
  - copies of departmental examinations furnished to, 32-1-605
  - examinations by, accepted when, 32-1-605
- fees, 32-1-213
- frequency, 32-1-211
- new banks, 32-1-302
- refusal to be examined unlawful, 32-1-464
  - closure, ground for, 32-1-502
- rules regarding, 32-1-211, 32-1-218
- special examinations
  - board of directors, requested by, 32-1-216
  - defined, 32-1-214
  - fees, 32-1-215
  - frequency, 32-1-215
- trusts, 32-1-217
- unclaimed property, identification, 70-9-314

Examiners, See **Examinations**, generally

Exclusions from Bank Act, 32-1-102

Executor in probate proceedings, See **Personal representative in probate proceedings**

Expansion, See **Consolidation**

Extraterritorial banks, 32-1-103, 32-1-402, 32-6-204

Failure of bank, See **Closure**; **Impairment**; **Insolvency**; **Liquidation**

Federal Deposit Insurance Corporation
- aid by, bank may receive, 32-1-602
- "banking institution" defined, 32-1-601
- closed banks, indebtedness to corporation authorized when, 32-1-606, See also **Closure**
- examinations by, 32-1-605
- liquidation of banking institution, See also **Liquidation**
  - liability of stockholder of member bank, 32-1-552
  - liquidating agent, appointment as, 32-1-603
  - subrogation of corporation in, 32-1-604
- public funds
  - deposits insured by, 17-6-102
  - interest requirements, 17-6-104
- securities, acquisition, 32-1-602

Federal reserve banks
- authorization to join, 32-1-373
- effect of regulations, 30-4-103
- holidays of local banks coincident with, 32-1-563
- reserve requirements, 32-1-455
- securities, deposit by fiduciary, 32-1-427

Fees
- articles of incorporation, filing, 32-1-305
- checking accounts, 32-6-309
- continual succession, filing, 32-1-306
- examination, 32-1-213
- incorporation, 32-1-305
- liquidation, attorney's fees, 32-1-551
- special examination, 32-1-215
- supervision, 32-1-213

Fiduciary relationships, See also **Common trust funds**; **Subsidiary trust companies**; **Trusts**
- securities, deposit of, 32-1-425 — 32-1-427

Finance companies, See **CONSUMER LOAN BUSINESSES**

Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally

Foreign corporations, 32-1-103
- banking without place of business in state unlawful, penalty, 32-1-402
- electronic funds transfer terminals in Montana prohibited, 32-6-204

BANKS AND TRUST COMPANIES (Continued)

Holidays
    emergency closing, effect, 32-1-563, 32-1-565, See **Emergency closure**
    federal reserve bank, holidays coincident with, 32-1-563
    hours of operation, changing, 32-1-484
    legal holidays, 32-1-481, 32-1-565
    liability of bank upon closing, 32-1-565
    mourning, rejoicing, or special observance — day of, 32-1-563
    saturdays
        closing on, 32-1-481 — 32-1-484
        interest payable on, 32-1-485
    transactions on, 32-1-482
Hours of operation
    "banking day" defined, 30-4-104
    change in, 32-1-484
    establishment, 30-4-107
Impairment, See also **Closure**; **Insolvency**; **Liquidation**
    capital stock, assessment to make good, 32-1-506
    closure, ground for, 32-1-502
    directors, board of — meeting upon notice of, 32-1-506
    liquidation, ground for, 32-1-506
    notice of, by department of commerce, 32-1-506
    stockholders, liability, 32-1-333
Incompetence of customer, 30-4-405, See also **Personal representative in probate proceedings**
Incorporation
    appeal of decision, 32-1-204
    applicability of corporation law, 35-1-107, 35-1-1006
    approval
        banking board, state, 32-1-303
        national bank, reorganization as state bank, 32-1-374
    articles of agreement, 32-1-301
        amendment, 32-1-336, 32-1-356
        filing with certificate of authorization, 32-1-305
    bylaws, 32-1-308, See also **Bylaws**
    capital stock, amount required for, 32-1-307, 32-1-403
    certificate of authorization
        application for, 32-1-302
            final approval, 32-1-202, 32-1-303
            hearing and procedure therefor, 32-1-204
                prehearing discovery, 32-1-205
            rejection of, 32-1-202, 32-1-303
        cancellation, 32-1-321
        discrimination in issuance, denial, or revocation prohibited, 49-3-204
        filing of certificate and articles of agreement, 32-1-305
    certificate of incorporation
        advertising prior to issuance unlawful, 32-1-401
        cancellation, 32-1-321
        discrimination in issuance, denial, or revocation prohibited, 49-3-204
        issuance, 32-1-305
        surrender upon change to national bank, 32-1-363, See also **National banks**
        transaction of business without, 32-1-102, 32-1-403
        violation, ground for closure, 32-1-502
    continual succession, 32-1-306
    corporation law inapplicable, 35-1-107, 35-1-1006
    directors, board of, See **Directors, board of**
    first meeting
        bylaws, adoption, 32-1-308, See also **Bylaws**
        failure to call, effect, 32-1-321
        notice and publication thereof, when required, 32-1-321
    hearings, 32-1-204, 32-1-205
    incorporators, number necessary, 32-1-104
    national bank, reorganization as state bank, 32-1-374

BANKS AND TRUST COMPANIES (Continued)

Incorporation (Continued)
  procedure, 32-1-302, 32-1-305
  requirements
    capital, 32-1-307, 32-1-403
    general, 32-1-301, 32-1-302, 32-1-403
  rules of procedure, adoption, 32-1-203
  standards, minimum, 32-1-203
Indebtedness of
  authorized when, 32-1-411, 32-1-412
  capital purposes, borrowing for, 32-1-413
  certificate of deposit, 32-1-414
  closed banks, borrowing by, See also **Closure**
    authorized when, 32-1-507
    federal deposit insurance corporation, loan by, 32-1-606
  limitations, 32-1-411, 32-1-412
Injunctions
  advertisement of banking business prior to certification, restraint, 32-1-402
  closure, recourse of aggrieved bank, 32-1-516
  commerce, department of — enforcement of subpoena by, 32-1-211
  corporate name restrictions, violation of — restraint of, 32-1-402
  electronic funds transfer terminal, restraint of unauthorized operation, 32-6-402
  subpoena by department of commerce, enforcement, 32-1-211
  temporary cease and desist order, against, 32-1-904
  transaction of banking business without certificate, restraint, 32-1-403
Insolvency, See also **Closure**; **Impairment**; **Liquidation**; **Unsafe practices**
  bad debts, disposition, 32-1-515, See also **Bad debts**
  creditors, notice to, 32-1-531
  declaration, false — unlawful, penalty, 32-1-510
  definitions, 30-1-201, 32-1-503
  deposits in insolvent bank, See **BANK DEPOSITS AND COLLECTIONS**, **Insolvency**
  falsification of records, penalty, 32-1-505
  letters of credit, effect, 30-5-117
  liability, 30-4-202
  notice to creditors, 32-1-531
  return of items, 30-4-214
  stockholders, liability, 32-1-333, 32-1-334
  stock transfer, effect on, 32-1-333
  unsafe practices causing, temporary cease and desist order, 32-1-904
  warranty against, 30-4-207
Installment loans, See **Loans**
Insurance
  premium finance agreements, 33-14-201, See also **INSURANCE**, **Premium finance companies**
  to indemnify, See **SURETYSHIP AND SURETIES**, generally
Insurers
  alien, trusteed assets
    deposit, 33-2-202
    trustees, substitution for, 33-2-214
  deposits, requirements, 33-2-604
  domestic stock and mutual, trust deposit of premiums, 33-3-207
  restrictions regarding, 33-18-501
Investment companies
  classification, 32-1-102
  defined, 32-1-108
  deposit liabilities, effect of debentures or certificates of indebtedness on, 32-1-412
  investments by, restrictions, 32-1-424
  purpose, 32-1-108
Investments
  capital stock, investment in own, 32-1-335
  common trust funds, 32-1-701 — 32-1-706
  corporate stock, restrictions, 32-1-422
  electronic funds transfer terminals corporations, 32-6-203

BANKS AND TRUST COMPANIES (Continued)

Investments (Continued)
  federal deposit insurance corporation securities, 32-1-602
  federal reserve banks, 32-1-373
  home loan corporation securities, 32-1-424, 32-2-406
  investment companies, restrictions, 32-1-424
  real estate, 32-1-423, 32-1-431
  safe deposit department, 32-1-446
  savings bank, restrictions, 32-1-421
  trust companies, restrictions, 32-1-424
Legal holidays, See **Holidays**
Letters of credit, issuance and acceptance, 32-1-437, See also **LETTERS OF CREDIT**
License, consumer loan business — exemption, 32-5-103
Liens
  bankers', 71-3-1502
  documentary draft, 30-4-504
  liquidating agents and attorneys, compensation as lien on assets, 32-1-518
  minors' deposits, 32-1-444
Liquidating agent, See **Liquidation**
Liquidation, See also **Closure**; **Impairment**; **Insolvency**
  assets
    disposition, 32-1-538
    insufficiency decided how, 32-1-552
    inventory to be filed, 32-1-553
  commerce, department of
    assets
      disposition, 32-1-538
      inventory to be filed with court, 32-1-553
    authority to liquidate, 32-1-501
    compensation of agents, attorneys, accountants, and assistants fixed by, 32-1-518
    court order to liquidate, 32-1-515
      injunction to restrain, 32-1-516
    creditors' claims, 32-1-532, 32-1-535, See also creditors' claims
    employees, retention, 32-1-517
    funds held by, deposit, 32-1-536
      unclaimed funds, disposition, 32-1-537
    legal action instituted when, 32-1-515
    powers generally, 32-1-515 — 32-1-517
    trust, closing of, 32-1-538
    unclaimed funds, disposition, 32-1-537
  compensation of agents, attorneys, accountants, and assistants fixed by department of commerce, 32-1-518
  completion, 32-1-508, 32-1-538
  corporate existence ceases when, 32-1-508, 32-1-538
  court order to liquidate, 32-1-515
    injunction to restrain, 32-1-516
  creditors' claims
    allowance, 32-1-532
    assets, disposition after payment of claims, 32-1-538
    assignment of claims, 32-1-535
    commerce, department of — powers in payment, 32-1-532, 32-1-535
    dividends on disputed claims, 32-1-535
    filing, 32-1-532, 32-1-533
    insolvency, notice to creditors, 32-1-531
    liquidating agent's duties, 32-1-551
    notice of insolvency to creditors, 32-1-531
    payment, 32-1-533, 32-1-534, 32-1-535
    priority, determination of, 32-1-534
    public deposits, 32-1-534
    rejection and appeal, 32-1-532
    unclaimed funds, disposition, 32-1-537
  disincorporation occurs when, 32-1-508, 32-1-538
  dissolution occurs when, 32-1-508, 32-1-538

BANKS AND TRUST COMPANIES (Continued)

Liquidation (Continued)
    employees, retention, 32-1-517
    federal deposit insurance corporation members, See also **Federal Deposit Insurance Corporation**
        liability of stockholders, 32-1-552
        loan from corporation authorized when, 32-1-606
        subrogation of corporation, 32-1-604
    injunction to stay proceedings, 32-1-516
    insolvency, notice to creditors, 32-1-531
    involuntary, injunction to restrain, 32-1-516
    liquidating agent, 32-1-552
        appointment, 32-1-501
        borrowing on behalf of closed bank, 32-1-507
        compensation, 32-1-517, 32-1-518
        federal deposit insurance corporation as, 32-1-603
        powers and duties generally, 32-1-551, 32-1-552
    notice of insolvency to creditors, 32-1-531
    public deposits, claims preference, 32-1-534
    statement of status to district court, 32-1-518, 32-1-553
    stockholders, liability, 32-1-333, 32-1-334
    unclaimed funds, 32-1-537, 70-9-205
    voluntary, procedure, 32-1-501
Loan companies, See **CONSUMER LOAN BUSINESSES**
Loans, See also **LOANS**, generally
    banks and trust companies, loans to, See **Indebtedness of**
    bond issues, limits on purchase, 32-1-433
    consumer loan business license, exemption, 32-5-103
    credit life and disability insurance, 32-1-105, 32-1-106
    director, loan to — limitations, 32-1-467
    discriminatory practices prohibited, 49-2-306, 49-2-403
    energy improvement loans, interest and tax credit, 15-32-107
    false statement to obtain, 32-1-474
    federal housing administrator, 32-1-434, 32-1-435
    foreign corporations, loans by — authorized when, 32-1-103
    installment loans
        applicability of laws, 31-1-202
        charges permissible, 32-1-436
    interest on, 31-1-111, 31-1-112, 32-1-436
    letters of credit, issuance and acceptance, 32-1-437
    license, consumer loan business — exemption, 32-5-103
    limitations, 32-1-432
        capital stock, loan of — prohibited, 32-1-335
        reserve requirements, 32-1-455
    managing officer, loan to — limitations, 32-1-467
    personal profit by bank official unlawful, 32-1-465
    real estate
        authorization, 32-1-430
        federal housing administrator
            insurance obtained for loans, 32-1-434
            mortgages secured by, as collateral when, 32-1-435
        limitations, 32-1-431
        mortgages, See **MORTGAGES**
        security for loans, 32-1-423
        trust indentures, See **TRUST INDENTURES**
    "regulated lender" defined, 31-1-111
    unincorporated associations, 32-1-432
Location, See **Place of business**
Losses, 32-1-452
Mausoleum and columbarium authorities, as trustee of endowment care fund, 35-21-610
Merger, See **Consolidation**
Minors' deposit, 32-1-444
Mortgages, See **Loans**, real estate; **MORTGAGES**

BANKS AND TRUST COMPANIES (Continued)

Name of corporation
  change
    authorization, 32-1-352
    certificate of proceedings, 32-1-355
    procedure, 32-1-354
  exclusivity, 32-1-301, 32-1-302, 32-1-402
National banks
  capital stock, change in, 32-1-364
  certificate of change, 32-1-365
  change of state banks to
    authorization when, 32-1-361
    certificate of change, 32-1-365
    directors, board of, 32-1-363, 32-1-364
    liabilities, 32-1-363
    notice required, 32-1-361
    status of corporation, 32-1-363
  charter, surrender by state bank, 32-1-363
  emergency closure, 32-1-561 — 32-1-565
  energy improvement loans, interest and tax credit, 15-32-107
  powers, extension to state bank, 32-1-362
  property, conversion of, 32-1-365
  records, See **Records**
  reorganization as state bank, 32-1-374
  service of process when unable to make personal service, Title 25, chapter 20, M.R.Civ.P. Rule 4D
Negotiable instruments, See **COMMERCIAL PAPER**
New banks, See **Incorporation**
Oaths
  banking board, state — power to administer, 32-1-205
  commerce, department of — power to administer, 32-1-211
  directors, board of — taken by, 32-1-322
Offenses, See **Unlawful practices**
Officers and employees
  bonding, 32-1-461
  certified checks, violation of issuance requirements, 32-1-441
  character and integrity, 32-1-203, 32-1-462
  discriminatory practices prohibited, 49-2-306, See also **DISCRIMINATION**, generally
  election, 32-1-325
  emergency closure, power of officers, 32-1-563
  employment of persons convicted of banking violations, 32-1-462
  liquidating, See **Liquidation**, liquidating agent
  liquidation, retention of employees in, 32-1-517
  loans to, limitations, 32-1-467
  minute book — procedures for keeping, penalty for falsification, 32-1-325
  notaries public, as, 1-5-417
  removal, See **Removal of directors or officers**
  savings bank, additional requirements, 32-1-421
  unlawful practices, 32-1-236, 32-1-325, 32-1-441, 32-1-463 — 32-1-466, 32-1-471 — 32-1-473 32-1-504, 32-1-505, 32-1-905, 32-1-908, 32-1-921, See **Unlawful practices**
Offices, location, See **Place of business**
Off-premises facilities
  branch bank, See **Branch banks**
  drive-up window, 32-1-372
  electronic funds transfer satellite terminal, See **ELECTRONIC FUNDS TRANSFER Terminals**
  walk-up windows, 32-1-372
Organization, See **Incorporation**
  changes in, See **Reorganization**
Out-of-state banks, 32-1-103, 32-1-402, 32-6-204
Past-due accounts, See **Bad debts**
Penalties, See **Unlawful practices**
Perpetual existence, 32-1-306

BANKS AND TRUST COMPANIES (Continued)

Personal representative in probate proceedings
  consolidation of banks, status of trust in, 32-1-371
  foreign personal representative, bank payments to, 32-1-448
  securities held by, deposit, 32-1-425 — 32-1-427
  stock
    liability, personal — as stockholder, 32-1-333
    proxy in election of board of directors, 32-1-323
  subsidiary trust company as, 32-1-802, 32-1-807
  trust company as, 32-1-107
Place of business
  branch banks, 32-1-372
  drive-up windows, 32-1-372
  electronic funds transfer satellite terminals, See **ELECTRONIC FUNDS TRANSFER, Terminals**
  foreign corporation, 32-1-103, 32-6-204
    banking without place of business in state unlawful, 32-1-402
  relocation of corporation
    authorization, 32-1-202, 32-1-353
    certificate of proceedings, 32-1-355
    hearing required, 32-1-204, 32-1-205
    procedure, 32-1-354
  trust offices, See **Subsidiary trust companies**
  walk-up windows, 32-1-372
Powers and duties generally, 32-1-102, 32-1-103, 32-1-105 — 32-1-108
Preexisting banks, application of Bank Act, 32-1-102
Principal place of business, See **Place of business**
Probate proceedings, See **Personal representative in probate proceedings**
Profits, See also **Dividends**; **Surplus**
  calculation, 32-1-340, 32-1-453
  capital stock, conversion of profits to, 32-1-340
  definitions, 32-1-109
  insolvency when, 32-1-503, See also **Insolvency**
  interest and commissions included in, when, 32-1-453
Property
  bank-owned
    attachment prohibited, 32-1-111
    security for deposits, prohibited as, 32-1-447
  investment company, acquisition and conveyance by, 32-1-424
  national bank, disposition upon reorganization, 32-1-374
  real estate holdings permitted, 32-1-423
  savings banks, specific limitations, 32-1-421
  trust companies, acquisition and conveyance by, 32-1-424
Public funds, deposited in, 17-6-101, 32-1-447, 32-1-534, See also **STATE TREASURER, Depositories**
Purposes, See **Classes and purposes**
Real estate
  condominium funds deposited in escrow with, 70-23-201
  loans, See **Loans**
  purchase by banks, limitations, 32-1-421, 32-1-423, 32-1-424
Records
  applicability, 32-1-495
  destruction, 32-1-491
    "in regular course of business" defined, 32-1-494
    liquidated bank, 32-1-538
  electronic funds transfer records, See **ELECTRONIC FUNDS TRANSFER, Records**
  entries, See **Entries in bank records and reports**
  falsification, 32-1-236, 32-1-464
  preservation, 32-1-491
    liquidated bank, 32-1-538
  refusal to submit to inspection, ground for closure, 32-1-502
  reproduction
    admissibility in evidence, 32-1-492, 32-1-493

BANKS AND TRUST COMPANIES (Continued)

Records (Continued)
  reproduction (Continued)
    authorization, 32-1-492
    "in regular course of business" defined, 32-1-494
  rulemaking authority of department of commerce, 32-1-218
Relocation, See **Place of business**
Removal of directors or officers
  charges
    felony, 32-1-908
    notice, 32-1-905
    withdrawal, 32-1-906
  definitions, 32-1-901
  enforcement, 32-1-912, 32-1-921
  grounds, 32-1-468, 32-1-905
  hearings, 32-1-905, 32-1-907, 32-1-908, 32-1-910
  informal conference, 32-1-906
  notice
    enforcement, 32-1-912
    intention to remove, 32-1-905
    suspension or prohibition from participation, 32-1-907, 32-1-908
  order for removal or prohibition
    consent to, 32-1-905
    effective date, 32-1-905
    enforcement, 32-1-912, 32-1-921
    felony charges, upon, 32-1-908
    issuance, 32-1-905, 32-1-908, 32-1-910
    modification, termination, or set aside, 32-1-905, 32-1-910
    review, 32-1-910
    violation, 32-1-921
  quorum, effect, 32-1-909
  rules of procedure, 32-1-906, 32-1-910, 32-1-911
  service, manner of, 32-1-911
  suspension or prohibition of participation, 32-1-907
    felony charges, upon, 32-1-908
  temporary directors, 32-1-909
Reorganization
  capital stock, increase or diminution, 32-1-351, 32-1-354, 32-1-355, 32-1-364, See also **Stock**
  consolidation, 32-1-204, 32-1-371, See also **Consolidation**
  directors, change of number, 32-1-353, 32-1-356
  federal reserve bank, 32-1-373, 32-1-455, See also **Federal reserve banks**
  name of corporation, change, 32-1-352, 32-1-354, 32-1-355, See also **Name of corporation**
  national bank to state bank, 32-1-374, See also **National banks**
  relocation, 32-1-204, 32-1-353 — 32-1-355, See **Place of business**
  state bank to national bank, 32-1-361, 32-1-363 — 32-1-365, See **National banks**
  subsidiary trust companies, 32-1-801 — 32-1-808, See **Subsidiary trust companies**
Reports, to department of commerce
  attestation, 32-1-231
  call reports, 32-1-231
  confidentiality, 32-1-234
  directors, personal liability when, 32-1-235
  dividends, declaration of, 32-1-232
  entries, See **Entries in bank records and reports**
  failure to make in specified time, penalty, 32-1-235
  falsification and penalties therefor, 32-1-233, 32-1-234, 32-1-236, 32-1-464
  frequency, 32-1-231
  reserve levels, reports on, 32-1-455
  special reports, 32-1-233
  verification, 32-1-231
Reserve banks, designation, 32-1-455
Reserve requirements, 32-1-455
  impairment, ground for closure, 32-1-502
Resources and liabilities, statement of, 32-1-451

BANKS AND TRUST COMPANIES (Continued)

- **Safe deposit boxes**, 32-1-446
  - insurers' deposits, requirements, 33-2-604
  - joint tenancy, 70-1-308
  - unclaimed contents, 70-9-201
- **Sales**
  - assets of bank, 32-1-466
    - closed bank, 32-1-606
    - liquidation, 32-1-515, 32-1-553
  - closed bank, sale of assets, 32-1-606
  - concealment of, 32-1-472
  - corporate stock, acquisition and sale, 32-1-422
  - director's shares of stock, 32-1-324
  - liquidation, sale of assets, 32-1-515
    - inventory, 32-1-553
  - obligations of bank, 32-1-466
  - securities, sale to bank unlawful when, 32-1-463
  - stock
    - director's shares, 32-1-324
    - impairment of capital, in, 32-1-506
- **Sales finance company**, as, 31-1-202, 31-1-221, See **CREDIT TRANSACTIONS, Retail installment sales**
- **Satellite banking**, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
- **Saturdays**, See **Holidays**
- **Savings account**, See **BANK DEPOSITS AND COLLECTIONS**
- **Savings and loan associations**, See **BUILDING AND LOAN ASSOCIATIONS**
- **Savings banks**
  - capital, investment of, 32-1-421
  - classification, 32-1-102
  - defined, 32-1-106
  - investment in corporate stock, restrictions, 32-1-422
- **Secured transactions**, See **SECURED TRANSACTIONS**
- **Securities**, See also **Stock**
  - broker-dealer, exclusion as, 30-10-103
  - concealment of purchase or sale, 32-1-472
  - deposit
    - central depository, 32-1-426
    - definitions, 32-1-425
    - federal reserve bank, 32-1-427
  - dividends, See **Dividends**
  - exemptions, 30-10-104, 30-10-105
  - federal deposit insurance corporation, investment in securities of, 32-1-602
  - investment adviser, exclusion as, 30-10-103
  - investment in, limitations, 32-1-421, 32-1-424
  - public fund deposits, pledged for, 17-6-102, 17-6-105
  - sale by bank officer, 32-1-463
- **Separate office**, See **Branch banks**
- **Shareholders**, See **Stockholders**
- **Shares**, See **Stock**
- **Short title of Bank Act**, 32-1-101
- **Special examinations**, See **Examinations**
- **Special reports**, 32-1-233, See also **Reports**
- **State Banking Board**, See **Banking Board, State**
- **State banks, change to national banks**, 32-1-361, 32-1-363 — 32-1-365, See **National banks**
- **State funds**, investment, 17-6-211
- **Statements**
  - customer's duty to examine, 30-4-406
  - electronic funds transfer, See **ELECTRONIC FUNDS TRANSFER, Periodic statement**
- **Statute of limitations on actions against**, 27-2-213
- **Stock**
  - articles of agreement, stock information required in, 32-1-301

BANKS AND TRUST COMPANIES (Continued)

Stock (Continued)
- capital stock
  - advertisement, 32-1-451
  - borrowing money for, 32-1-413
  - certificate of issuance for new stock, 32-1-340
  - impairment, See also **Impairment**
    - assessment to make good, 32-1-506
    - ground for closure, 32-1-502
    - sale of stock when, 32-1-506
  - increase or diminution
    - authorization, 32-1-351
    - certificate of proceedings, 32-1-355
    - national bank, when reorganized as, 32-1-364
    - procedure, 32-1-354
  - insolvency when, 32-1-503, See also **Insolvency**
  - investment, See also **Investments**
    - corporate stock, 32-1-422
    - federal reserve banks, 32-1-373
    - investment companies, 32-1-424
    - savings banks, 32-1-421
    - trust companies, 32-1-424
  - loan or purchase of own — unlawful, penalty, 32-1-335
  - profits, conversion to capital stock when, 32-1-340, 32-1-452
  - requirements, 32-1-307, 32-1-371, 32-1-403
  - safe deposit department, limitations on investment in, 32-1-446
  - surplus, conversion to capital stock when, 32-1-340, 32-1-452
- certificate of issuance for new stock, 32-1-340
- corporate stock, investment in, 32-1-422
- directors, board of — stock requirements, 32-1-324
- dividends, See **Dividends**
- insolvency, effect upon, See **Insolvency**
- preferred stock, nonassessable
  - authorization for issuing, 32-1-336
  - liability, 32-1-337
  - procedure for issuing, 32-1-336, 32-1-338
- proxies, 32-1-323
- registration provisions, exemption, 30-10-104, 30-10-105
- sale
  - directors, by, 32-1-324
  - impairment of capital, in, 32-1-506
- transfer, 32-1-332
  - insolvency, effect upon, 32-1-333

Stockholders
- consolidation, ratification, 32-1-371
- directors, board of — stock requirements, 32-1-324
- dissolution or disincorporation, effect, 32-1-501
- election of directors, 32-1-323
- examination of general statement book, right of, 32-1-339
- first meeting, See **Incorporation**
- impairment of bank, See also **Impairment**
  - effect, 32-1-506
  - liability, 32-1-333, 32-1-334
- liability, 32-1-333
  - collection by liquidating agent when, 32-1-551
  - double liability not imposed upon,32-1-337
  - waiver unlawful, 32-1-334
- list of, availability, 32-1-331
- notaries public, as, 1-5-417
- organization, approval of changes, 32-1-351 — 32-1-356
- proxies, 32-1-323, 32-1-921
- sale of securities unlawful when, 32-1-463
- special meetings, 32-1-356, 32-1-501, 32-1-506

BANKS AND TRUST COMPANIES (Continued)

Subpoenas, power to issue
  bank, 32-1-204
  banking board, state, 32-1-205
Subsidiary trust companies
  applicable laws, 32-1-803
  business, permissible field of, 32-1-804
  citation of subsidiary trust company act of 1975, 32-1-801
  definitions, 32-1-802
  fiduciary relationships, procedure for transfer
    affiliated bank to affiliated bank, 32-1-808
    affiliated bank to subsidiary trust company, 32-1-807
  office locations
    affiliated bank, 32-1-806
    subsidiary trust company, 32-1-805
  organization, 32-1-803
Subsidiary Trust Company Act of 1975, Title 32, chapter 1, part 8, See **Subsidiary trust companies**
Supervision, 32-1-211, See also **Commerce, Department of**
Surety insurance, See **SURETYSHIP AND SURETIES**, generally
Surplus, See also **Dividends**; **Profits**
  capital stock, conversion of surplus to, 32-1-340, 32-1-452
  definition, 32-1-109
  federal reserve banks, investment in, 32-1-373
  insolvency when, 32-1-503, See also **Insolvency**
  losses paid from, 32-1-452
Taxation, See **TAXATION**
Theft, 32-1-471, 32-1-473
Transfer
  closing, notice bar to transfer of bank assets and property, 32-1-512
  consolidation, transfer of obligations and property, 32-1-371
  electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
  fiduciary relationships, 32-1-807, 32-1-808
  liquidation, transfer of real property, 32-1-501
  national bank, conversion to, 32-1-365
  securities, transfer to bank unlawful when, 32-1-463
  stock, 32-1-332
    insolvency, effect on, 32-1-333
Trust companies
  classification, 32-1-102
  defined, 32-1-107
  investments by, restrictions, 32-1-424
  mausoleum-columbarium endowment care fund, as trustee, 35-21-610
  personal representative, as, 32-1-107
  purpose, 32-1-107
  subsidiary trust companies, See **Subsidiary trust companies**
  trusts, See **Trusts**
Trust indentures, See **Loans**, real estate; **TRUST INDENTURES**
Trusts, See also **Trust companies**
  administration
    investment company, 32-1-108
    trust company, 32-1-107
  cemetery permanent care and improvement fund, as trustee, 35-20-302
  common trust funds, See **Common trust funds**
  deposits, 32-1-443
    insolvent bank, 32-1-504
  examination, 32-1-217
  insolvency of bank, deposits allowed when, 32-1-504
  liability of trustee, 32-1-333
  liquidation of bank, priority of payment, 32-1-534
  mausoleum-columbarium endowment care fund, as trustee, 35-21-610
  securities, deposit, 32-1-425 — 32-1-427

BANKS AND TRUST COMPANIES (Continued)

Trusts (Continued)
  subsidiary trust companies, See **Subsidiary trust companies**
  theft, 32-1-473
Unauthorized practices, See **Unlawful practices**
Unclaimed property, See **PERSONAL PROPERTY**, **Unclaimed or abandoned property**
Uniform Commercial Code, regulation by, See **BANK DEPOSITS AND COLLECTIONS**
Uniform Common Trust Act, Title 32, chapter 1, part 7, See **Common trust funds**
Uniform Disposition of Unclaimed Property Act, Title 70, chapter 9, parts 1 — 3, See **PERSONAL PROPERTY**, **Unclaimed or abandoned property**, banking organizations
Unincorporated banks, 32-1-102
Unlawful practices
  advertising before issuance of charter, 32-1-401
  bank act violations generally, 32-1-101, 32-1-102, 32-1-110, 32-1-403
  capital stock, bank's purchase of own, 32-1-335
  checks
    bad, issuance by depositor, 45-6-316
    certified, violation of requirements, 32-1-441
  corporate name restrictions, violation of, 32-1-402
  corporate stock, restrictions on investment — violation, 32-1-422
  defined, 32-1-901
  directors or officers under censure, action by, 32-1-921
  electronic funds transfer records, unauthorized disclosure, 32-6-106
  embezzlement, See theft
  falsification of records and entries thereof, 32-1-233, 32-1-234, 32-1-236, 32-1-325, 32-1-464, 32-1-505
  fraud, 32-1-464, 32-1-473
  hypothecation of property received unlawful when, 32-1-471, 32-1-473
  insolvent banks
    deposits, receipt unlawful when, 32-1-505
    false declaration of insolvency, 32-1-510
    falsification of records, 32-1-505
    trust deposits, acceptance unlawful when, 32-1-504
  loans
    false statement to obtain, 32-1-474
    personal profit by bank official, 32-1-465
  minutes of meetings of board of directors, falsification or alteration, 32-1-325
  misappropriation of bank property, 32-1-473
  obligations of bank
    concealment from board of directors by officers or employees, 32-1-472
    purchase by bank officials unlawful when, 32-1-466
  overdraft by director, officer, or employee, 32-1-465
  receiving property with intent to defraud, 32-1-464
  removal of officers or directors, grounds, 32-1-905
  reports to department of commerce
    confidentiality, violation of, 32-1-234
    falsification, 32-1-233, 32-1-234, 32-1-236
    special reports, false statement in, 32-1-233
  sale of securities by officer, employee, director, or stockholder unlawful when, 32-1-463
  suspension or prohibition from participation of directors or officers, grounds, 32-1-908
  theft, 32-1-473
    hypothecation of property received unlawful when, 32-1-471, 32-1-473
  transaction of business without certificate, 32-1-403
Unsafe practices
  cease and desist order
    consent to, 32-1-902
    defined, 32-1-901
    effective date, 32-1-902
    enforcement, 32-1-912, 32-1-921
    issuance, 32-1-902, 32-1-910

BANKS AND TRUST COMPANIES (Continued)

Unsafe practices (Continued)
- cease and desist order (Continued)
  - modification, termination, or set aside, 32-1-902, 32-1-910
  - review, 32-1-910
  - stay of proceeding, 32-1-902
  - temporary order, 32-1-904
  - violation when final, 32-1-905, 32-1-921
  - withdrawal, 32-1-903
- charges
  - notice, 32-1-902
  - withdrawal, 32-1-903
- definitions, 32-1-901
- enforcement, 32-1-912, 32-1-921
- hearings, 32-1-902, 32-1-910
- informal conference, 32-1-903
- notice of charges, 32-1-902
  - enforcement, 32-1-912
- removal of directors or officers, grounds for, 32-1-905
- rules of procedure, 32-1-903, 32-1-910, 32-1-911
- service, manner of, 32-1-911

Violation of banking laws and penalty, 32-1-110, 32-1-403, See also **Unlawful practices**
Walk-up windows, 32-1-372, See also **ELECTRONIC FUNDS TRANSFER**, **Terminals**

BAR ASSOCIATION

See **STATE BAR OF MONTANA**

BARBERING AND BARBERS

Advertising restrictions, 37-30-425
Alcohol abuse, 37-30-425
Apprentices
- barber's certificate, examination for, 37-30-305, See also **Certificates of registration, barbers**
- cards
  - applications for, 37-30-302, 37-30-303
  - examinations for, 37-30-203, 37-30-303, 37-30-307
  - fee, 37-30-307
  - issuance, 37-30-203, 37-30-303
  - surrender when, 37-30-305
- defined, 37-30-101
- fees, 37-30-307
- local licenses or fees prohibited, 37-30-307
- restrictions on practice, 37-30-304

Barbershops
- defined, 37-30-101
- discriminatory practices prohibited, See **DISCRIMINATION**, generally
- employees, 37-30-412
- facilities, 37-30-403
- fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
- inspections, 37-30-203, 37-30-402, 37-30-403, 37-30-423
- licensing, See **Licenses, barbershops**
- owner's duty to employees, 37-30-412
- price schedules, 37-30-413
- sanitary conditions, maintenance, 37-30-422

Board of Barbers
- administration of provisions, 37-30-203
- allocation, 2-15-1856
- apprentice cards
  - applications, information required, 37-30-303
  - examinations, time and place, 37-30-203

BARBERING AND BARBERS (Continued)

Board of Barbers (Continued)
- barbers' certificates of registration
  - examinations, time and place, 37-30-203
  - fees, 37-30-307
  - physician's certificate required, 37-30-306
  - reciprocity, 37-30-309
  - revocation or suspension, 37-30-306, 37-30-501
- barbershops
  - facilities, approval, 37-30-403
  - licenses
    - application forms, 37-30-402
    - fees set by, 37-30-423
    - refusal, suspension, or revocation, 37-30-403, 37-30-425
    - required, 37-30-401
    - temporary, 37-30-403
- compensation of members, 37-30-202
- composition, 2-15-1856
- defined, 37-30-101
- expenses of members, 37-30-202
- fees set by, 37-30-307, 37-30-404, 37-30-423, 37-30-424
- funding, 37-30-201
- hearings, 37-30-402, 37-30-425, 37-30-501
- inspections by, 37-30-403
- officers, 37-30-201
- proceedings, records, 37-30-201
- public representation on, 2-15-1856
- removal from office, 2-15-1856
- rules, 37-30-203, 37-30-422, 37-30-501
- sanitary conditions, rules for, 37-30-422
- schools and colleges
  - curriculum, approval, 37-30-302
  - facilities, approval, 37-30-403
  - licenses
    - application forms, 37-30-402
    - refusal, suspension, or revocation, 37-30-403, 37-30-425
    - required, 37-30-401
    - temporary, 37-30-403
  - operator's permit, 37-30-404
  - student permit forms, 37-30-404
- seal, 37-30-201
- termination, 2-8-103
- term of office, 2-15-1856

Certificates of registration, barbers
- application, 37-30-305
- apprenticeship required, 37-30-303, See also **Apprentices**
- discrimination in issuance prohibited, 49-3-204
- display, 37-30-308
- examinations, 37-30-203, 37-30-305, 37-30-307
- fees, 37-30-307
- issuance, 37-30-203, 37-30-307
- local licenses or fees prohibited, 37-30-307
- physician's certificate required, 37-30-306
- practice without, unlawful, 37-30-306, 37-30-501
- reciprocity, 37-30-309
- renewal, 37-30-307
- required, 37-30-301
- revocation or suspension, 37-30-306, 37-30-501

Cities and towns
- licenses or fees, imposition by — prohibited, 37-30-307
- water and wastewater requirements, 37-30-403

Colleges, See **Licenses, schools and colleges**; **Schools and colleges**

BARBERING AND BARBERS (Continued)

Commerce, Department of
- apprentice cards
    - applications for, 37-30-302, 37-30-303
    - examinations for, 37-30-203, 37-30-303
    - issuance, 37-30-203
    - surrendered when, 37-30-305
- barbers' certificates of registration
    - applications for, 37-30-305
    - examinations, 37-30-203
    - issuance, 37-30-203
- barbershop licenses, applications and inspection fees, 37-30-402
- communicable diseases, report of person practicing with, 37-30-412
- defined, 37-30-101
- earmarked revenue fund, 37-30-201
- fees paid to, 37-30-303, 37-30-404, 37-30-424
- inspections and fees, 37-30-402, 37-30-403, 37-30-424
- inspectors, hiring and expenses, 37-30-203
- money collected by, deposit, 37-30-201
- records kept by, 37-30-201
- sanitary rules, 37-30-412
- schools and colleges
    - licenses, applications and inspection fees, 37-30-402
    - owners' permits, 37-30-404
    - student permit applications, 37-30-404
- training programs, clinics, or seminars — license and inspection, 37-30-424

Communicable diseases, 37-30-306, 37-30-412, 37-30-425
Cosmetology, applicability of provisions, 37-30-101, 37-31-102
Definitions, 37-30-101
Drug abuse, 37-30-425
Fees, 37-30-307, 37-30-402, 37-30-404, 37-30-423
Handicapped persons, training and exemptions, 37-30-307
Health and Environmental Sciences, Department of
- sanitary conditions, rules, 37-30-412, 37-30-422
- wastewater disposal requirements, 37-30-403

Health, local boards of — approval of wastewater disposal methods, 37-30-403
Incompetency, 37-30-425
Inspections
- fees, 37-30-402, 37-30-423
- made when, 37-30-402, 37-30-403
- training programs, clinics, or seminars, 37-30-424

Inspectors, hiring, 37-30-203
Licenses, barbers, See **Certificates of registration, barbers**
Licenses, barbershops
- applications, 37-30-402
- discrimination in issuance prohibited, 49-3-204
- display, 37-30-421
- eligibility, 37-30-411
- expiration, 37-30-423
- fees, 37-30-423
- inspection requirements, 37-30-403
- nontransferability, 37-30-411
- refusal, revocation, or suspension, 37-30-402, 37-30-403, 37-30-425, 37-30-501
- renewal, 37-30-423
- required, 37-30-401
- temporary, 37-30-403

Licenses, schools and colleges
- applications, 37-30-402
- discrimination in issuance prohibited, 49-3-204
- display, 37-30-404, 37-30-421
- expiration, 37-30-423
- fees, 37-30-404
- inspection requirements, 37-30-403
- operators, requirements, 37-30-404

BARBERING AND BARBERS (Continued)

Licenses, schools and colleges (Continued)
    refusal, revocation, or suspension, 37-30-402, 37-30-403, 37-30-425, 37-30-501
    renewal, 37-30-423
    required, 37-30-401
    temporary, 37-30-403
Local licenses or fees for barbers or apprentices prohibited, 37-30-307
Malpractice, 37-30-425
Physically handicapped persons, training and exemptions, 37-30-307
Practice of barbering
    apprentices, restrictions, 37-30-304
    certificate of registration
        lack of, unlawful, 37-30-306, 37-30-501
        required, 37-30-301
    communicable disease, practice while afflicted with
        reporting, 37-30-412
        unlawful, 37-30-306
    defined, 37-30-101
Price schedules, display, 37-30-413
Sanitary conditions
    handicapped persons, compliance with provisions, 37-30-307
    maintenance, 37-30-422
    rules for
        adoption, 37-30-422
        compliance, 37-30-412
Schools and colleges
    curriculum requirements, 37-30-302
    facilities, 37-30-403
    handicapped persons, training, 37-30-307
    inspections, 37-30-402, 37-30-403
    licensing, See **Licenses, schools and colleges**
    owners, 37-30-404
    sanitary conditions, maintenance, 37-30-422
    signs, 37-30-404
    students
        apprenticeship card applications, See **Apprentices**
        permits for, 37-30-404
Social and Rehabilitation Services, Department of — training by, 37-30-307
Training programs, clinics, or seminars, 37-30-424
Violations
    communicable disease, practice while afflicted with, 37-30-306
    license refusal, suspension, or revocation for, 37-30-425, 37-30-501
    penalty, 37-30-501
    practice without certificate of registration, 37-30-306, 37-30-501

BARBERRY CONTROL

    See **HORTICULTURE**

BARBERS, BOARD OF

    See **BARBERING AND BARBERS**

BARITE

    See generally **MINES AND MINING; STATE LANDS, Nonmetallic mineral leases**

BARLEY

    See generally **AGRICULTURAL SEEDS; GRAIN**

BARRATRY

Official misconduct of public servant, as, 45-7-401

BARS

See **ALCOHOLIC BEVERAGES, Retail establishments**

BASTARDY PROCEEDINGS

See **PATERNITY PROCEEDINGS**

BATHS, PUBLIC

See **CITIES AND TOWNS, Public baths; SWIMMING POOLS AND SWIMMING AREAS**

BATTERED CHILDREN

See **MINORS, Abused, neglected, and dependent children**, generally

BATTERED SPOUSES GRANT PROGRAMS, Title 40, chapter 2, part 4

See **HUSBAND AND WIFE**

BATTERY

See also **CRIMES, Assault; PERSONAL INJURY**

Malpractice claim, as, 27-6-103
Statute of limitations, 27-2-204

BEANS, DRY

See **AGRICULTURAL SEEDS**, generally; **HORTICULTURE, Bean storage; Grades and brands**, generally

BEARS

See **FISH AND GAME LICENSES AND PERMITS, Hunting licenses; FISH AND WILDLIFE, Game animals**; See also **PREDATORS AND PREDATOR CONTROL**

BEAUTY PARLORS AND SCHOOLS

See **COSMETOLOGY AND COSMETOLOGISTS**

BEAVERS

See **FISH AND WILDLIFE, Fur-bearing animals**

BEDDING

See **MATRESSES**

BEEF

See **LIVESTOCK**, generally; **MEAT AND MEAT PRODUCTS**

BEEF RESEARCH AND MARKETING ACT, Title 81, chapter 8, part 2

See **LIVESTOCK, Beef research and marketing**

BEER
    See **ALCOHOLIC BEVERAGES**

BEES AND BEEKEEPING
    See **ALFALFA LEAF-CUTTING BEES; APIARIES**

BEETS, FIELD
    See **AGRICULTURE**, generally

BENEVOLENT ASSOCIATIONS

Agents, See also **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
    licenses, 33-6-402
    officers as, 33-6-403
Amendments, filing, 33-6-104
Annual statements
    contents, 33-6-304
    expense fund, condition shown, 33-6-302
Applicability of provisions, 33-6-101
Assessments
    death benefits, for, 33-6-303
    expenses, for, 33-6-302
Commissioner, See **INSURANCE, COMMISSIONER OF**
Death
    benefits, assessment for, 33-6-303
    claims, payment, 33-6-405
Definitions, 33-6-102
Expenses, 33-6-302
Filings
    amendments, 33-6-104
    annual statement, 33-6-304
    assessment notice, 33-6-303
    officers, bonds, 33-6-201
Foreign, prohibited, 33-6-103
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Licenses
    agents, 33-6-402
    annual, 33-6-401
Members
    assessments, See **Assessments**
    definitions, 33-6-102
Membership
    contract
        defined, 33-6-102
        modification of forms, 33-6-104
    minimum, 33-6-404
Montana Insurance Code, applicability, 33-1-102, 33-6-101
New, prohibited, 33-6-103
Notice of assessment, 33-6-303
Officers
    agents, as, 33-6-403
    annual statement, compilation and attestation, 33-6-304
    bond requirements, 33-6-201
    defined, 33-6-102
    number, 33-6-201
Payments
    death claims, 33-6-405
    to association, receipts, 33-6-301

BENEVOLENT ASSOCIATIONS (Continued)

Provisions applicable, 33-6-101
Receipts, issuance, 33-6-301
Scope of provisions, 33-6-101

BENTONITE

See also **STATE LANDS**, **Nonmetallic mineral leases**, generally

Metal mining provisions, exclusion, 82-4-303
Mining generally, 82-4-403, See **MINES AND MINING**, **Opencut mining**
Seismic operations, use in plugging shot holes, 82-1-104
Taxation, net proceeds tax, 15-23-502, See **TAXATION**, **Mines, metal mines**

BESTIALITY

Deviate sexual conduct, as, 45-5-505, See also **CRIMES**, **Sexual offenses**

BICYCLES

Brakes, 61-8-607
Carrying articles, 61-8-606
Clinging to vehicles, 61-8-604
Controlled-access highways, restriction on use, 61-8-332
Defined, 61-1-123
Effect of regulations, 61-8-601
Flags, 61-8-607
Footpath and Bicycle Trail Act of 1975, Title 60, chapter 3, part 3, See **Footpaths and bicycle trails**
Footpaths and bicycle trails
  "bicycle trail" defined, 60-3-302
  citation of Montana footpath and bicycle trail act of 1975, 60-3-301
  construction standards, 60-3-304
  establishment, 60-3-303
  funding, 60-3-303
  riding on, 61-8-605
  short title, 60-3-301
  signing, 60-3-304
  use restrictions, 60-3-304
Highway Commission
  assistance and advice, 60-3-304
  funds for establishment of footpaths and bicycle trails, 60-3-303
Highways, controlled-access — restrictions on use, 61-8-332
Highways, Department of — duties regarding footpaths and bicycle trails, 60-3-304
Lamps, 61-8-607
Licensing, 61-12-101
Local authorities, powers, 61-12-101
Montana Footpath and Bicycle Trail Act of 1975, Title 60, chapter 3, part 3, See **Footpaths and bicycle trails**
Mopeds
  defined, 61-1-123
  driver's license required, 61-5-102, See also **DRIVERS' LICENSES**, generally
  roadways and bicycle paths, riding on, 61-8-605
Motor Vehicles, Division of — authority, 61-8-607
Nighttime use, 61-8-607
Paths, See **Footpaths and bicycle trails**
Reflectors, 61-8-607
Registration, 61-12-101
Riding on, 61-8-603
Roadways, riding on, 61-8-605
Tax exemption, 15-6-201
Traffic laws, applicability, 61-8-602, See also **TRAFFIC REGULATIONS**, generally
Violation of provisions generally, 61-8-601

BICYCLE TRAILS

See **BICYCLES**, **Footpaths and bicycle trails**

BIDS AND BIDDING

Abandoned property, sale, 70-9-308
Agriculture, Department of — purchase of property when, 80-2-104
Auction sales conducted by, 30-11-501, See **AUCTIONS AND AUCTIONEERS**, generally
Ballot issues, printing of voter information pamphlets, 13-27-410
Blind bidding, See **TRADE REGULATION AND COMPETITION**, **Motion pictures**
Bond issues
  employment security building bonds, 17-5-603, 17-5-613
  refunding bonds, cost and expense connected with bid submitted, 17-5-304
Collusion among bidders, 30-14-205
Community college district contracts, 20-15-104
Condominium foreclosure sales, 70-23-609
Construction of state buildings, See **CAPITOL AND OTHER STATE BUILDINGS**, **Construction**
County printing, See **PRINTING**, **Bids**
Eastern Montana College construction program, 20-25-434
Estrays, sale, 81-4-603, 81-4-604
Fish and wildlife, confiscated — sale of, 87-1-511
Fish and Wildlife, Department of
  construction projects, 87-1-211
  land or water sales, 87-1-209
Highway
  construction contracts, 60-2-112, 60-2-113
  equipment, 18-6-103
Highways, Department of
  equipment, sale, 18-6-103
  property, sale, 60-4-202, 60-4-204, 60-4-205
Homesteads, execution sale, 70-32-211
Horses, abandoned — sale, 81-4-506, 81-4-510
Housing, Board of — as bidder, 90-6-104
Leases
  state buildings, 18-3-103, 18-3-105
  state lands, See **State**, lands
Livestock sales
  estrays, 81-4-603, 81-4-604
  horses, abandoned, 81-4-506, 81-4-510
Mining, metal mine reclamation let by board of land commissioners, 82-4-341
Montana Code Annotated, publication and sale, 1-11-301
Montana Reports, printing, 3-2-603
Montana State University construction program, 20-25-434
Motion pictures, for license agreements, See **TRADE REGULATION AND COMPETITION**, **Motion pictures**
Preference to Montana bidders, 18-1-102, 18-1-111, 18-5-307, 18-7-102, 18-7-103
Printing, See **PRINTING**
Property of judgment debtors purchased in name of state, 2-15-501
Public contractors, bid security, See **PUBLIC CONTRACTORS**, **Bids**; **Bonding requirements**
Public contracts, See **PUBLIC CONTRACTS**, **Bidders**; **Bids**
Purchasing by state, See **STATE PURCHASING**, **Bidders**; **Bids**
Restraint of trade, 30-14-205
Rural rehabilitation provisions, property acquired under, 80-2-104
School districts, sale of bonds, 20-9-412, 20-9-430, 20-9-432
School sites and facilities, contracts concerning, 20-9-204, 20-9-205
School transportation
  buses, not required when, 20-10-110
  private party contracts, 20-10-125
Sheltered workshops, purchases from, 18-5-103

BIDS AND BIDDING (Continued)

Small businesses, state purchases from, See **STATE PURCHASING, Small businesses, purchase preference to**
State
  construction of buildings, See **CAPITOL AND OTHER STATE BUILDINGS, Construction**
  employees
    group benefit plans, 2-18-811
    surety bonds, 2-9-603
  lands
    agricultural, grazing, and city lot leases, 77-6-107, 77-6-111, 77-6-202, 77-6-203, 77-6-205, 77-6-206, 77-6-502, 77-6-508
    coal leases, 77-3-312
    oil and gas leases, 77-3-407, 77-3-442
    power site leases or licenses, 77-4-206, 77-4-207
    prospecting permits, 77-3-132
    sales, 77-2-322 — 77-2-324, 77-2-332
  leases, See lands
  officers and employees, surety bonds for, 2-9-603
  printing, See **PRINTING, Bidders; Bids**
  property of judgment debtors purchased in name of, 2-15-501
  purchasing, See **STATE PURCHASING, Bidders; Bids**
  sheltered workshops, purchases from, 18-5-103
  small businesses, purchases from, See **STATE PURCHASING, Small businesses, purchase preference to**
  surety bonds for officers and employees, 2-9-603
State Reporter, printing, 3-2-603
Stock delinquency sales, 35-1-604
Supreme court decisions, printing, 3-2-603
Surety bonds for state officers and employees, 2-9-603
Tax sales, bid of delinquent taxpayer unacceptable, 15-17-203
Timber sales, 77-5-201
Trust indentures, foreclosure sales, 71-1-315
Unclaimed property, sale, 70-9-308
University system construction program, 20-25-434
Unlawful practices, 30-14-205
Voter information pamphlets, 13-27-410

BIENNIAL ELECTION

See **ELECTIONS**, generally

BIGAMY

Invalidity, ground for, 40-1-402
Marrying a bigamist, 45-5-612
Unlawful, 40-1-402, 45-5-611, 45-5-612
Venue, 46-3-204

BIG HOLE NATIONAL BATTLEFIELD

See **PARKS**

BIG HORN CANYON

See **PARKS**

BIG HORN SHEEP

See **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**, mountain sheep; See also **FISH AND WILDLIFE, Game animals**

BILLBOARDS

See **OUTDOOR ADVERTISING**, generally

BILLS

Costs, of, See **CIVIL PROCEDURE, Costs**
Exceptions, of, See **CIVIL PROCEDURE, Exceptions**
Exchange, of, See **COMMERCIAL PAPER, Draft**
Lading, of, See **DOCUMENTS OF TITLE**
Legislative, See **LAW, Enactment and repeal; LEGISLATIVE COUNCIL, Proceedings, legislative; LEGISLATURE, Bills and resolutions**

BINGO AND RAFFLES LAW, Title 23, chapter 5, part 4

See **GAMBLING**

BIOLOGICAL STATION, STATE

See **PARKS, State parks**

BIRDS

See **FISH AND WILDLIFE**; See also **POULTRY AND EGGS**, generally

BIRD, STATE, 1-1-504

BIRTH

See also **VITAL STATISTICS**

Abortion, See **ABORTION**
Certificates, See **VITAL STATISTICS**
Contraception, See **ABORTION; DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Contraceptive; STERILIZATION**
Date, judicial determination, See also **SPECIAL PROCEEDINGS**, generally
- affidavits as evidence, 27-32-203
- appeal, 27-32-303
- birth certificate, issuance, 50-15-204
- change of venue, 27-32-204
- clerk of the district court, duties, See **CLERK OF THE DISTRICT COURT**
- effect, 27-32-301
- evidence, 27-32-203
- fees, 27-32-104
- hearing, 27-32-201, 27-32-203
- judgment, 27-32-301
    - certified copies, 27-32-104, 27-32-302
    - fee, 27-32-104
    - filing, 27-32-302
- jurisdiction in district court, 27-32-101, 27-32-103, 50-15-205
- notices
    - hearing, 27-32-201
    - no fee, 27-32-104
- objections, 27-32-202
- order determining, 50-15-205
- petition
    - contents, 27-32-102, 50-15-205
    - fees, 27-32-104,
    - filing, 27-32-101, 50-15-205
    - verification, 27-32-102
- proper venue, 27-32-101, 27-32-204

BIRTH (Continued)

Date, judicial determination (Continued)
  venue, 27-32-101, 27-32-204
  who may petition, 27-32-101, 50-15-205
Defects, See specific disease or handicap
Disability insurance coverage, 33-22-301, 33-22-504, 33-30-1001
Health and Environmental Sciences, Department of
  maternal and child health programs, 50-1-202
  metabolic testing of newborns
    administrative authority, 50-19-202
    rulemaking authority, 50-19-202, 50-19-203
    scope of authority, 50-19-204
Health service corporations, coverage, 33-30-1001
Hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Insurance coverage
  disability, 33-22-301, 33-22-504, 33-30-1001
  health service corporations, 33-30-1001
Legitimacy, See **MINORS**
Maternal-child health programs, 50-1-202
Metabolic tests of newborns
  administrative authority, 50-19-202
  boulder river school and hospital, assistance by, 50-19-204
  definitions, 50-19-201
  required, 50-19-203
  results, procedures for giving, 50-19-204
  rulemaking authority, 50-19-202, 50-19-203
Mortality and morbidity information to Department of Health and Environmental Sciences, 50-16-102
Paternity proceedings, time limitations on filing, 40-6-108
Prenatal care, See **PREGNANCY**
Recording, See **VITAL STATISTICS**, generally
Unborn children, rights, 41-1-103
Vital statistics, See **VITAL STATISTICS**, generally

BISON

  See **FISH AND WILDLIFE; LIVESTOCK, Running at large**, generally

BLACKFEET HIGHWAY

  See **INDIANS**

BLACK-FOOTED FERRET

  See generally **FISH AND WILDLIFE, Fur-bearing animals; NONGAME AND ENDANGERED SPECIES**

BLACK LUNG DISEASE

  See **OCCUPATIONAL DISEASE; SILICOSIS**

BLACKMAIL

  See **CRIMES, Intimidation**

BLANKET DISABILITY INSURANCE

  See **INSURANCE — DISABILITY**

BLIND BIDDING

  See **TRADE REGULATION AND COMPETITION, Motion pictures**

BLIND OR VISUALLY HANDICAPPED PERSONS

See also **HANDICAPPED PERSONS**

Accommodations, public and housing — rights generally, 49-4-211, 49-4-212, 49-4-214
Building accomodations in public buildings, 50-60-201
Canes
  color specifications, 49-4-213
  use
    restrictions, 49-4-213
    unauthorized, penalty for, 49-4-217
Citation of White Cane Act, 49-4-201
Definitions, 18-5-402, 49-2-101, 49-4-203
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Division of Visual Services, See **Visual Services, Division of**
Dogs, guide
  damage by, owner's liability, 49-4-214
  definitions, 49-2-101
  right to have, 49-4-214
Drivers' duty and liability to, 49-4-216
  penalty for violation, 49-4-217
Drivers' licenses, ineligibility, 15-30-303, 61-5-105
Education for children, See **SCHOOLS, Special education**
Employment
  discrimination prohibited when, 49-4-202
  state policy, 49-4-202
  vending facilities, See **Vending facilities**
Guide dogs, See **Dogs, guide**
Housing accommodations
  access to, 49-2-305, 49-4-212
  defined, 49-4-203
  rights generally, 49-4-212, 49-4-214
Income tax exemption, 15-30-112, 15-30-303
Library services for, 22-1-103
Montana State School for the Deaf and Blind, See **DEAF AND BLIND, MONTANA STATE SCHOOL FOR THE**
Motor Vehicles, Division of — report to, 15-30-303, 61-5-105
Parking permits, 49-4-301 — 49-4-306
Pedestrians' duty and liability to, 49-4-216
  penalty for violation, 49-4-217
Penalties
  cane, unauthorized use, 49-4-217
  duty to, violation of, 49-4-217
  rights, violation of, 49-4-215
Policy of state, 49-4-202
Public places and accommodations, rights generally, 49-4-211, 49-4-214, 50-60-201
Revenue, Department of — furnishing identification information to division of motor vehicles, 15-30-303
Rights generally, 49-4-211, 49-4-216
  penalty for denial or interference with, 49-4-215, 49-4-217
Seeing eye dogs, See **Dogs, guide**
School for, See **DEAF AND BLIND, MONTANA STATE SCHOOL FOR THE**
Social and Rehabilitation Services, Department of
  blind persons, certification and eligibility, 18-5-403
  defined, 18-5-402
  vending facilities
    administration, 18-5-411, 18-5-412
    availability, 18-5-404
    equipment and supplies, 18-5-404, 18-5-415
    federal government, agreements with, 18-5-413
    funding, 18-5-406
    income from, 18-5-406
    operation, 18-5-415
    rules, 18-5-413 — 18-5-415

BLIND OR VISUALLY HANDICAPPED PERSONS (Continued)

Social and Rehabilitation Services, Department of (Continued)
  vending machines, 18-5-416
  vendors
    grievances, hearings, 18-5-405
    health and retirement fund, 18-5-406
    liability, allocation, 18-5-415
    services to, funding, 18-5-406
Social and Rehabilitation Services, Department of — vocational rehabilitation, coordination, Title 53, chapter 7, part 3
Special education for children, See **SCHOOLS, Special education**
State policy regarding, 49-4-202
Tax exemption, 15-30-112, 15-30-303
Transportation, public — rights generally, 49-4-211, 49-4-214
Vending facilities
  administration, 18-5-411, 18-5-412
  availability, 18-5-404
  blind persons, certification and eligibility, 18-5-403
  contracts, prior — effect, 18-5-411
  definitions, 18-5-402
  equipment and supplies, 18-5-404, 18-5-415
  federal government, agreements, 18-5-413
  income from, 18-5-406
  leases, prior — effect, 18-5-411
  operation, 18-5-415
    funding, 18-5-406
  purpose of provisions, 18-5-401
  rules, 18-5-413, 18-5-414
  use fee in lieu of rental, 18-5-415
  vending machines, 18-5-416
Vending machines, operation, 18-5-416
Vendors, as
  certification and eligibility, 18-5-403
  defined, 18-5-402
  grievances, right to hearing, 18-5-405
  health and retirement fund, 18-5-406
  liability, allocation, 18-5-415
  services to, funding, 18-5-406
  vending machines, 18-5-416
Visual Services, Division of — functions, 2-15-2205
Vocational rehabilitation, Title 53, chapter 7, part 3
Walking sticks, See **Canes**
White Cane Act, Title 49, chapter 4, part 2, See this category, generally

BLOOD

Action, order for examination when in controversy, Title 25, chapter 20, M.R.Civ.P., Rule 35(a)
Blood banks, liability, 50-33-101, 50-33-104
Blood products
  labeling, 50-33-101
  liability, 50-33-101 — 50-33-104
  testing, 50-33-101, 50-33-104
  warranty not implied, 50-33-102
Furnishing
  liability, 50-33-102 — 50-33-104
  service and not sale, 50-33-102
Tests
  blood alcohol tests, 61-8-401 — 61-8-405
  marriage, 40-1-203 — 40-1-206
  newborn infants, See **BIRTH, Metabolic tests**
  paternity proceedings, results as evidence, 40-6-112 — 40-6-115
  pregnancy, in, See **PREGNANCY, Serological testing**

BLOOD (Continued)

Tests (Continued)
  rh factor, for, See **PREGNANCY, Serological testing**
  venereal disease, See **DISEASES, Venereal diseases**
Transfusions
  liability, 50-33-102 — 50-33-104
  minors, consent, 41-1-402
Warranty, implied — furnishing declared service and not sale, 50-33-102

BLUE-COLLAR OCCUPATIONS

  See **PUBLIC EMPLOYEES, Classification; Compensation determination**

BLUE SKY LAW, Title 30, chapter 10, parts 1 — 3

  See **SECURITIES AND SECURITIES REGULATION**, generally

BOARDING HOUSES

  See **FOSTER HOMES; HOTELS AND LODGING ESTABLISHMENTS; NURSING HOMES**

BOARDS, STATE

  See **EXECUTIVE BRANCH; STATE AGENCIES**

BOATS AND BOATING

  See also generally **CARRIERS, Freight carriers; Passenger carriers; VEHICLES**

Accidents
  information, transmission to federal officials, 23-2-528
  involuntary deposit of property, 70-6-103
  operator, responsibilities, 23-2-527
  right-of-way to avoid, 23-2-524
  sheriff, investigation and report, 23-2-527
Alcoholic beverages, seizure of beverage and conveyance when, 16-6-105
Bathing or swimming area, operation restricted near, 23-2-525
Blind persons as passengers, rights respecting, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Boat liveries, See **Liveries**
Buoy or beacon — mooring to, damaging, destroying, or removing prohibited, 23-2-523
Carburetor flame arrestor required, 23-2-521
Carriers, as, See **CARRIERS, Passenger carriers**, generally
Certificate of number, See **Number, identification — for motorboats**
Charter, See **Liveries**
Collisions, See **Accidents**
Damage by, civil liability of owner, 23-2-505
Dealers and manufacturers
  license decal, display, 23-2-515
  number identification, 23-2-513
Decals, See **License decals for motorboats**
Definitions
  generally, 23-2-502
  vehicle, 45-2-101
  vessel, 1-1-207, 23-2-502
Dock, ramp, diving board, or float — reckless approach or departure from, prohibited, 23-2-523
Driving while intoxicated or under the influence of drugs prohibited, 23-2-523
Drugs
  operation under influence prohibited, 23-2-523
  violations, forfeiture of vessel, 44-12-102

BOATS AND BOATING (Continued)

Education program, safety, 23-2-530
Enforcement of provisions
    certificate of number, inspection of, 23-2-512
    fish and game commission, by, 87-1-303
    fish, wildlife, and parks — duty of department, 23-2-506
    peace officers, by, 23-2-506, 23-2-511, 23-2-523
    revenue for, 23-2-507
    safety provisions, direction of compliance, 23-2-523
Equipment, safety, 23-2-521
Fire extinguisher, required when, 23-2-521
Fish and Game Commission, enforcement of rules, 87-1-303
Fishing
    restricted operation near, 23-2-525
    rules for, 87-3-203
Fish, Wildlife, and Parks — Department of
    accident reports, duties respecting, 23-2-527, 23-2-528
    enforcement of provisions
        compliance, officer may direct, 23-2-523
        duty, 23-2-506
        personnel, power to employ, 23-2-506
        revenue for, 23-2-507
    fire extinguishers, determination of minimum number, 23-2-521
    life preservers, designation of mandatory wearing, 23-2-521
    lights, display requirements set by, 23-2-521
    penalty money, disposition, 23-2-507
    rules, filing and publication, 23-2-504, 87-3-203
    safety education program, coordination, 23-2-530
    safety equipment and rules, adoption and modification, 23-2-521
    ventilation systems, prescription of, 23-2-521
Flame arrestor for carburetor required, 23-2-521
Floating cabins
    "vessel" defined, 23-2-502
    waste disposal, 23-2-521
Floodways, launching ramps within, See **FLOODPLAINS AND FLOODWAYS**, **Uses within**, generally
Flotation devices, requirements, 23-2-521
Garbage, refuse, waste, or sewage — discharge prohibited when, 23-2-521, 23-2-522
Harassment of wildlife prohibited, 87-3-126
Houseboats
    "motorboat" defined, 23-2-502
    "vessel" defined, 23-2-502
    waste disposal, 23-2-521
Hunting from, unlawful, 87-3-126
Identification number, See **Number, identification — for motorboats**
Incapacity, mental or physical — operation with prohibited, 23-2-523
Insurance against loss or damage to, See **INSURANCE — MARINE**, generally
Intoxicated person, operating boat prohibited, 23-2-523
Liability of
    landowner upon gratuitous license, 70-16-301, 70-16-302
    owner for injury or damage, 23-2-505
License decals for motorboats
    design, 23-2-515
    discrimination in issuance prohibited, 49-3-204
    display, 23-2-511, 23-2-515
    exemption from provisions, 23-2-514
    expiration, 23-2-512, 23-2-515
    issuance, 23-2-515
    operation without — unlawful, penalty, 23-2-511
    renewal, 23-2-512
    required, 23-2-511, 23-2-515
Life preservers, requirements respecting, 23-2-521, 23-2-523
Lights required when, 23-2-521

BOATS AND BOATING (Continued)

Littering prohibited, 23-2-522
Liveries
    certificate of number, 23-2-512
    contract, 70-8-201
    records required, 23-2-503
    safety rules, compliance required, 23-2-503
Machine gun found in, 45-8-306
Marine protection and indemnity insurance, See **INSURANCE — MARINE**, generally
Number, identification — for motorboats
    address, change, 23-2-512
    application and issuance, 23-2-512
    certificate of number, 23-2-512
    dealer or manufacturer, requirements, 23-2-513
    display of numbers, 23-2-511, 23-2-512
    documentation, change, 23-2-512
    effective period, 23-2-512
    exemptions, 23-2-514
    federal numbering system, conformity with required, 23-2-512
    fees and taxes, 23-2-512
    manufacturer or dealer requirements, 23-2-513
    operation without — unlawful, penalty, 23-2-511
    reciprocity period, 23-2-514
    renewal, 23-2-512
    termination, 23-2-512
    transfer of ownership, 23-2-512
Offenses, 23-2-507, 23-2-511, 23-2-521 — 23-2-523, 23-2-525, 23-2-526, 23-2-529, 45-6-308, 45-8-306
Overloading prohibited, 23-2-526
Overpowering prohibited, 23-2-526
Passageways, obstruction prohibited, 23-2-525
Passenger carriers, as, See **CARRIERS**, **Passenger carriers**, generally
Passing rules, 23-2-524, 23-2-529
Penalty for violation of provisions, 23-2-507
Policy of state, 23-2-501
Prohibited operation and mooring, 23-2-507, 23-2-511, 23-2-521 — 23-2-523, 23-2-525, 23-2-526, 23-2-529, 45-6-308, 45-8-306
Races, 23-2-523
Reckless or negligent operation prohibited, 23-2-523
Recreation, defined as, 70-16-301
Regattas, 23-2-523
Registration, See **License decals for motorboats**; **Number, identification — for motorboats**
Rentals, See **Liveries**
Restricted areas, 23-2-525
Right-of-way rules, 23-2-524, 23-2-529
Rules, administrative — publication and filing, 23-2-504, 87-1-303
Safety
    education program, coordination, 23-2-530
    equipment required, 23-2-521
    peace officer may direct compliance with safety regulations, 23-2-523
    rules, 23-2-523 — 23-2-526, 23-2-529, 87-1-303
Sailboats
    right-of-way rules, 23-2-524
    "vessel" defined, 23-2-502
Sanitary facilities, specification, 23-2-521, 23-2-522
Searches of, when, 87-1-506
Sewage, discharge prohibited when, 23-2-521, 23-2-522
Skiing, See **Water skis and surfboards**
Speed, limitations, 23-2-523
Stickers, boat, See **License decals for motorboats**
Swimming or bathing area, restricted operation near, 23-2-525
Taxes, See **TAXATION**

BOATS AND BOATING (Continued)

Toilet facilities, specifications, 23-2-521
Unauthorized use, 45-6-308
Use regulations, 87-1-303, 87-3-203
Ventilation system required when, 23-2-521
Violation of provisions generally, penalty, 23-2-507
Visually handicapped persons as passengers, rights respecting, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Wardens, fish and game — powers concerning, 87-1-506
Waste disposal, 23-2-521, 23-2-522
Wastewater holding system required when, 23-2-521
Water skis and surfboards
  landowner, liability upon gratuitous license, 70-16-301, 70-16-302
  life preserver required on person, 23-2-523
  motorboat operator, minimum age, 23-2-529
  observer required, minimum age, 23-2-529
  operation prohibited when, 23-2-529
  reckless operation prohibited, 23-2-523
  recreation, defined as, 70-16-301
  right-of-way rules, 23-2-529
  rules, adoption and enforcement, 87-1-303
Wet marine insurance, See **INSURANCE — MARINE**, generally
Wildlife harassment prohibited, 87-3-126

BOBCATS

  See **FISH AND WILDLIFE, Fur-bearing animals**; See also **PREDATORS AND PREDATOR CONTROL**

BODILY INJURY, INSURANCE AGAINST

  See generally **INSURANCE — CASUALTY; INSURANCE — DISABILITY**

BOILERS AND STEAM ENGINES

Applicability of laws, federal laws, 50-74-103
Cases not provided for, 50-74-102
Casualty insurance, See **INSURANCE — CASUALTY**
Certificate of inspection, See **Inspections**
Construction of boilers and engines, 50-74-101, 50-74-102
Criminal charges, See **Violations**
Definitions, authority, 50-74-101
Dinkey engines, classification, 50-74-104, See **Traction engines**
Engineers
  age, 50-74-304, 50-74-307, 50-74-317
  assistance to inspectors required, 50-74-214
  complaints against, 50-74-314
  intoxication, 50-74-314
  licensing, See **Licenses**
  unlicensed, employment unlawful when, 50-74-316, 50-74-317
Exemptions, 50-74-103
Federal laws, applicability, 50-74-103
Fees
  inspection, 50-74-202, 50-74-212, 50-74-219
  license, 50-74-309, 50-74-310, 50-74-313
Inspections
  access, premission required, 50-74-210
    order for access, 50-74-212, 50-74-213
    refusal, 50-74-211 — 50-74-213
  annual, 50-74-209
  assistance by engineer, 50-74-214

BOILERS AND STEAM ENGINES (Continued)

Inspections (Continued)
- certificates
  - display, 50-74-106, 50-74-208
  - operation without unlawful, 50-74-208
  - purchaser to receive, 50-74-205
  - seal, 50-74-204
  - wrongful certification, 50-74-107
- connections, of, 50-74-215
- definitions, 50-74-101
- dinkey engines, 50-74-104
- engineers to assist, 50-74-214
- exemptions, 50-74-103
- exterior examination, 50-74-215
- fees, 50-74-202, 50-74-212, 50-74-219
- gauge cocks, 50-74-217
- hydrostatic pressure test, 50-74-216
- interior examination, 50-74-215
- intervals, 50-74-209
- notice, 50-74-206 — 50-74-208
- open boilers, 50-74-207
- purchaser to receive certificate, 50-74-205
- required, 50-74-206
- rulemaking authority, 50-74-101
- safety valves, 50-74-217
- safe working pressure, 50-74-218
- seal, 50-74-204
- special inspections, 50-74-219
- water supply, 50-74-217
- when, 50-74-206, 50-74-209
- wrongful certification, 50-74-107

Inspectors
- appointment, 50-74-201
- compensation, 50-74-201, 50-74-202
- joint or separate action, 50-74-204
- qualifications, 50-74-203
- special boiler inspectors, 50-74-202
- supervision, 50-74-201
- term of office, 50-74-201

Installation, 50-74-101, 50-74-102, 50-74-105

Insurance against liability, loss, or damage, See **INSURANCE — CASUALTY**, generally

Licenses
- age requirements, 50-74-304, 50-74-307
- application, 50-74-310
- classifications, 50-74-303
- complaints against licensee, 50-74-314
- dinkey engines, 50-74-104
- display, 50-74-106
- examination
  - failure to pass, 50-74-311, 50-74-312
  - fee, 50-74-310
  - reexamination, 50-74-311, 50-74-312
  - required, 50-74-302, 50-74-304, 50-74-305
  - traction licenses, 50-74-306
- exemptions, 50-74-103, 50-74-301, 50-74-305
- experience required, 50-74-304
- expiration, 50-74-313
- fees, 50-74-309, 50-74-310, 50-74-313
- general requirements, 50-74-302
- inspectors to have, 50-74-203
- mental requirements, 50-74-304

BOILERS AND STEAM ENGINES (Continued)
Licenses (Continued)
  military experience
    effect, 50-74-305
    expiration during, 50-74-313
  operation without, 50-74-315
  physical requirements, 50-74-304
  reciprocity with other states, 50-74-305
  rejection, review, 50-74-312
  renewal, 50-74-309, 50-74-313
  required, 50-74-301, 50-74-315
  review of rejection, 50-74-312
  revocation, 50-74-214, 50-74-314
  suspension, 50-74-214
  traction licenses
    age requirements, 50-74-307
    examination, 50-74-306, 50-74-307
    experience requirements, 50-74-307, 50-74-308
    extent, 50-74-306
    fee, 50-74-309
  unlicensed engineer, employment unlawful when, 50-74-316, 50-74-317
  vocational training, effect, 50-74-305
  wrongful granting, 50-74-107
Location
  city regulation, 7-21-4204
  notice, 50-74-105, 50-74-206, 50-74-208
Notice
  installation, 50-74-105, 50-74-206, 50-74-208
  license rejection, review, 50-74-312
  open boilers, 50-74-207, 50-74-208
  purchase, 50-74-105
  unlicensed engineer, employment, 50-74-317
Offenses, See **Violations**
Open boilers, 50-74-207, 50-74-208
Operation
  definitions, 50-74-101
  license, operation without, 50-74-315
  rulemaking authority, 50-74-101, 50-74-102
  unsafe condition, 45-8-113
Purchase
  certificate of inspection, purchaser to receive, 50-74-205
  notice, 50-74-105
Residential boilers, exemption, 50-74-103
Rulemaking authority, 50-74-101, 50-74-102
Safety valve, tampering, 50-74-108
Traction engines
  antiques, 50-74-308
  applicability of laws, 50-74-104
  dinkey engines, 50-74-104
  hobby, maintenance for, 50-74-308
  licenses, See **Licenses**
  purchase, certificate of inspection, 50-74-205
Unlawful practices, See **Violations**
Unsafe condition, maintaining boilers in, 45-8-113, 50-74-215
Violations
  inspection
    access, refusal, 50-74-213
    certification, wrongful, 50-74-107
    operation without certificate, 50-74-208
    purchase, failure to provide certificate upon, 50-74-205
  installation, failure to give notice, 50-74-105
  licensing of engineers
    operation without, 50-74-315

BOILERS AND STEAM ENGINES (Continued)

Violations (Continued)
- licensing of engineers (Continued)
  - unlicensed engineer, employment, 50-74-316
  - wrongful, 50-74-107
- purchase
  - inspection certificate, failure to provide, 50-74-205
  - notice, failure to give, 50-74-105
- safety valve, tampering, 50-74-108
- unsafe condition, maintaining in, 45-8-113

Workers' Compensation, Division of
- certificate of inspection, issuance, 50-74-206, 50-74-208
- inspections
  - access, refusal, 50-74-211, 50-74-212
  - certificate, issuance, 50-74-206, 50-74-208
  - intervals, determination, 50-74-209
  - open boilers, 50-74-207, 50-74-208
  - special inspections, 50-74-219
- inspectors, appointment or commission, 50-74-201, 50-74-202
- investigation of complaints, 50-74-314
- licenses
  - examination prescribed by, 50-74-304, 50-74-305, 50-74-307
  - rejection, review, 50-74-312
  - traction licenses, 50-74-307, 50-74-308
  - unlicensed engineer, notice of employment, 50-74-317
- open boilers, notice and inspection, 50-74-207, 50-74-208
- purchase of boiler, notice to division, 50-74-105
- rulemaking authority, 50-74-101, 50-74-102
- unlicensed engineer, notice of employment, 50-74-317
- vocational training programs, approval, 50-74-305

BOMBS

See **EXPLOSIVES**, generally

BOND ISSUES, PUBLIC

See also **SECURITIES AND SECURITIES REGULATION**

Action to restrain, 17-5-1001

Administration, Department of
- bonds issued by, 18-2-105
- highway complex, site acquisition and construction, 17-5-502
- highway general obligation bonds
  - cost payments ordered, 17-5-506
  - request for issuance, 17-5-504
- long-range building program
  - bonds, request for issuance, 17-5-403
  - costs, payment, 17-5-404

Airport financing, 67-10-402, 67-11-301, 67-11-303

Amortization bonds
- employment security building bonds, as, 17-5-605, 17-5-615
- refunding bonds, as, 17-5-302

Bank investment in, 32-1-421, 32-1-424, 32-1-433

Board of Examiners, See **Examiners, Board of**

"Bonds" defined, 17-5-101, 17-5-202

Bond Validating Act
- applicability
  - extension, 17-5-205
  - period of, 17-5-204
- citation, 17-5-201
- definitions, 17-5-202
- validation of bonds, 17-5-203

BOND ISSUES, PUBLIC (Continued)

Building and loan association, investment in, 32-2-406
Building bonds, See **Employment security building bonds**; **Highway general obligation bonds**; **Long-range building program bonds**
Coal severance tax bonds
  additional bonds, 17-5-709
  authorization, 17-5-702, 17-5-706
  coupons, 17-5-710
  fiscal agent for, 17-5-710
  form and denomination, 17-5-710
  holders
    protection provisions, 17-5-712
    refunding obligations, 17-5-716
    suit to compel performance, 17-5-713
  intent, 17-5-702
  interest and principal, 17-5-705, 17-5-710
  investments, as, 17-5-718
  issuance, 17-5-702, 17-5-706, 17-5-707, 17-5-709, 17-5-710, 17-5-716
    amount, limitation, 17-5-719
  liability, personal, 17-5-713
  negotiability, 17-5-714
  pledge of state, 17-5-717
  proceeds, 17-5-710, 17-5-716
  provision for, 17-5-701
  purpose, 17-5-701, 17-5-702
  redemption, 17-5-702, 17-5-710, 17-5-716
  refunding obligations, 17-5-716
  sale, 17-5-702, 17-5-706, 17-5-707, 17-5-710
  special fund revenues, 17-5-708, 17-5-709
  subfund, 17-5-703
    continued deposits, 17-5-709
    investment, 17-5-704
    pledge of, 17-5-705
  tax exemption, 17-5-718
  trust indenture, secured by, 17-5-711, 17-5-712
Conservancy districts, See **WATER CONSERVANCY DISTRICTS**
Conservation districts, See **CONSERVATION DISTRICTS**
County general obligation bonds, Title 7, chapter 7, part 22
  open-space land purposes, for, 76-6-109
  refunding, See **County refunding general obligation bonds**
County refunding general obligation bonds, Title 7, chapter 7, part 23
Definitions, 17-5-101, 17-5-202, 17-5-401
Drainage districts, revenue, See **DRAINAGE DISTRICTS**
Election, voiding — statute of limitations, 13-35-107, See **BALLOT ISSUES**, generally
Employment security building bonds
  amounts authorized, 17-5-604, 17-5-614
  authorization, 17-5-601, 17-5-604, 17-5-611, 17-5-614
  budget act, applicability, 17-5-610, 17-5-620
  buildings involved
    architect, employment, 17-5-602, 17-5-612
    bids, 17-5-603, 17-5-613
    capitol grounds, on — addition, 17-5-601 — 17-5-610
    construction, landscaping, and paving, 17-5-603, 17-5-613
    contractor's bond, 17-5-603, 17-5-613
    location, 17-5-601, 17-5-611
    statewide, 17-5-611 — 17-5-620
  coupons, 17-5-605
  employment security building account, See **TREASURY FUNDS AND ACCOUNTS**, **Sinking fund**
  form and denomination, 17-5-605, 17-5-615
  interest and principal, 17-5-607, 17-5-608, 17-5-617, 17-5-618
  interest rate, 17-5-605, 17-5-615
  issuance, 17-5-601, 17-5-607, 17-5-611, 17-5-617

BOND ISSUES, PUBLIC (Continued)

Employment security building bonds (Continued)
  payable where, 17-5-605, 17-5-615
  purchase, 17-5-609, 17-5-619
  recitals, 17-5-605, 17-5-615
  redemption, 17-5-605, 17-5-615
  registration, 17-5-606, 17-5-616
  sale, 17-5-601, 17-5-606, 17-5-607, 17-5-611, 17-5-616, 17-5-617
  type, 17-5-605
Examiners, Board of
  architects employed by, 17-5-602, 17-5-612
  bids, call for, 17-5-603, 17-5-613
  coal severance tax bonds
    fiscal agent, determination, 17-5-710
    issuance and sale, 17-5-706, 17-5-709
    liability, 17-5-713
    refunding obligations, 17-5-716
    signatures of members, 17-5-715
    trust indenture, secured by, 17-5-711
  contractor's bond, amount, 17-5-603, 17-5-613
  contracts, letting, 17-5-603, 17-5-613
  employment security building bonds
    general provisions, 17-5-605, 17-5-615
    issuance and sale, 17-5-601, 17-5-607, 17-5-611
  highway general obligation bonds
    fiscal agent for, 17-5-504, 17-5-505
    form and terms prescribed by, 17-5-505
    issuance and sale, 17-5-501 — 17-5-504
  labor and industry, department of — agreements with, 17-5-412, 17-5-413
  long-range building program bonds, issuance and sale, 17-5-402, 17-5-403, 17-5-410, 17-5-421, 17-5-422, 20-25-432
  refunding bonds
    authorization, 17-5-301
    cost and expense, 17-5-304
    form, notice, and time of sale, 17-5-302
    sale, 17-5-305
  workers' compensation, division of — agreements with, 17-5-411, 17-5-413
Fire department relief association fund, investment, 19-11-402
General obligation bonds
  county, See **County general obligation bonds**
  fire department relief association fund, investment, 19-11-402
  highway, See **Highway general obligation bonds**
  local government, See **Local government**, general provisions
  municipal, See **Municipal general obligation bonds**
  open-space land purposes, for, 76-6-109
  public fund deposits, security for, 17-6-103, 17-6-211
Hard-rock mining education impact bonds, 90-6-310
Health care facilities, financing by — applicability of laws, 50-5-411
Highway general obligation bonds
  additional, 17-5-503, 17-5-506
  amount authorized, 17-5-503
  authorization, 17-5-501, 17-5-503
  clearance fund account, See **TREASURY FUNDS AND ACCOUNTS**, **Bond proceeds and insurance clearance fund**
  coupons, 17-5-505
  fiscal agent for, 17-5-504, 17-5-505
  form, denomination, and term, 17-5-504, 17-5-505
  gasoline tax, pledge of, 17-5-507, 60-3-201
  interest and principal, 17-5-503, 17-5-504, 17-5-507
  issuance, 17-5-501, 17-5-503, 17-5-504
  maturity, 17-5-504
  payment, pledges for, 17-5-501
  proceeds, deposit and use, 17-5-506

BOND ISSUES, PUBLIC (Continued)

Highway general obligation bonds (Continued)
  redemption, 17-5-504
  refunding bonds, 17-5-503
  sale, 17-5-501, 17-5-502
  sinking fund account, See **TREASURY FUNDS AND ACCOUNTS**, **Sinking fund**
  tax appropriation and pledge, 17-5-507
Hospitals, financing by — applicability of laws, 50-5-411
Housing developments, funding, See **HOUSING**, **Lower income, development**
Industrial development projects, funding, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**, **Development projects**, revenue bonds
Interest rates
  determination, 17-5-102
  effect on bonds previously authorized, 17-5-104
  special assessments, 17-5-103
Irrigation districts, revenue, See **IRRIGATION DISTRICTS**
Issuance of bonds, restraint limitations, 17-5-1001
Libraries, public — site acquisition, construction, and equipment, 22-1-304
Limitation of action to restrain, 17-5-1001
Local government
  bonds, redemption prior to maturity, 17-6-213
  general provisions, Title 7, chapter 7, part 1
  solid waste management systems, revenue bonds for, 75-10-112
Local industrial development revenue bonds, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**, **Development projects**, revenue bonds
Long-range building program bonds
  amount authorized, 17-5-410, 17-5-421
  authorization, 17-5-402, 17-5-410, 17-5-421, 20-25-432
  capitol building improvements, 17-5-422
  cigarette tax, percentage for, 16-11-119, 16-11-206
  clearance fund account, See **TREASURY FUNDS AND ACCOUNTS**, **Bond proceeds and insurance clearance fund**
  corporation income tax and license tax, percentage for, 17-5-408
  costs, payment, 17-5-404
  coupons, 17-5-403
  definitions, 17-5-401
  eastern Montana college facilities, 20-25-432
  employment service buildings, 17-5-412, 17-5-413
  fiscal agent for, 17-5-403
  form and denomination, 17-5-403
  interest and principal, 17-5-403, 17-5-405 — 17-5-407, 17-5-421
  issuance, 17-5-402, 17-5-403, 17-5-407, 17-5-410, 17-5-421, 17-5-422, 20-25-432
  Montana college of mineral science and technology, physical education facility, 17-5-421
  Montana state university facilities, 20-25-432
  payment, 17-5-402, 17-5-403, 17-5-410
  prepayment, 17-5-407
  proceeds, deposit, 17-5-403, 17-5-421, 20-25-434
  redemption, 17-5-407, 17-5-410
  refunding bonds, 17-5-407
  regents of higher education, board of — authority, 20-25-432
  sale, 17-5-402, 17-5-407, 17-5-410, 17-5-421, 17-5-422, 20-25-432
  security, waiver, 17-5-409
  sinking fund account, See **TREASURY FUNDS AND ACCOUNTS**, **Sinking fund**
  tax, appropriation and pledges, 15-1-501, 17-5-403, 17-5-405, 17-5-407
    percentage, 15-1-501
    reservation of power for, 17-5-407
  terms, 17-5-403
  workers' compensation building, 17-5-411, 17-5-413
Municipal general obligation bonds, Title 7, chapter 7, part 42
  open-space land purposes, for, 76-6-109
  refunding, See **Municipal refunding general obligation bonds**
Municipal refunding general obligation bonds, Title 7, chapter 7, part 43

BOND ISSUES, PUBLIC (Continued)

Municipal refunding revenue bonds — option one, Title 7, chapter 7, part 45
  conservation district bonds, authorization and validity, 76-15-506
Municipal refunding revenue bonds — option two, Title 7, chapter 7, part 46
Municipal Revenue Bond Act of 1939, Title 7, chapter 7, part 44, See **Municipal revenue bonds**
Municipal revenue bonds, Title 7, chapter 7, part 44
  conservation district bonds, authorization and validity, 76-15-506
  public fund deposits, security for, 17-6-103, 17-6-211
  refunding, See **Municipal refunding revenue bonds** — option one; **Municipal refunding revenue bonds** — option two
  solid waste management systems, for, 75-10-112
"Political subdivision" defined, 17-5-101
Public authorities, See **PUBLIC CONTRACTS**, generally
Rate of interest, See **Interest rates**
Redemption
  optional method, 17-5-105
  prior to maturity, when, 17-6-213
Refunding bonds
  application of law, 17-5-303
  authorization, 17-5-301
  character of, 17-5-302
  coal severance tax bonds, 17-5-716
  cost and expense, 17-5-304
  county, See **County refunding general obligation bonds**
  exchange, 17-5-305
  highway general obligation bonds, 17-5-503
  interest rates, 17-5-301
  local government, issuance prohibited when, 17-6-213
  long-range building program bonds, 17-5-407
  municipal, See **Municipal refunding general obligation bonds**; **Municipal refunding revenue bonds** — option one; **Municipal refunding revenue bonds** — option two
  regents of higher education, board of — authority, 20-25-402
  sale, 17-5-305
  type, 17-5-302
Regents of Higher Education, Board of — authority, 20-25-402, 20-25-432
Registration exemption, 30-10-104
Renewable resource development projects, funding, See **RENEWABLE RESOURCE DEVELOPMENT**
Restraint, limitations, 17-5-1001
Revenue Bond Act of 1939, Municipal, Title 7, chapter 7, part 44, See **Municipal revenue bonds**
Revenue Bond Refinancing Act of 1937, Title 7, chapter 7, part 46, See **Municipal refunding revenue bonds** — option two
Revenue bonds
  insurers, investment in, 33-2-813, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY, Investments**
  municipal, See **Municipal refunding revenue bonds** — option one; **Municipal refunding revenue bonds** — option two; **Municipal revenue bonds**
  public fund deposits, security for, 17-6-103, 17-6-211
  regents of higher education, board of — as undertaking by, 20-25-433
Sale of bonds, restraint limitations, 17-5-1001
School districts, See **SCHOOL FINANCE, Bond issues**; **Bonds**; See also **SCHOOL ELECTIONS**
Serial bonds
  coupons, 17-5-302
  employment security building bonds, as, 17-5-605, 17-5-615
  refunding bonds, as, 17-5-302
Special assessments, rate of interest, 17-5-103
State building construction, approval for, 18-2-103
Statute of limitations on restraint, 17-5-1001
Validation, See **Bond Validating Act**

BOND ISSUES, PUBLIC (Continued)

Vote on, See **BALLOT ISSUES**, generally
Water conservation, See **WATER**, **Conservation**
Water Development Bonding Law, Title 90, chapter 2, part 1, See **RENEWABLE RESOURCE DEVELOPMENT**, generally
Water development bonds, Title 85, chapter 1, part 6, See **Coal severance tax bonds**

BONDS

Arrest bond certificates, See **BAIL, CRIMINAL, Bond certificates**
Bail, See **BAIL, CIVIL; BAIL, CRIMINAL**
Barber school owners, 37-30-404
Benevolent association officers, 33-6-201
Bingo prizes, prohibited as, 23-5-412
Bond certificates, See **BAIL, CRIMINAL, Bond certificates**
Bond issues, See **BOND ISSUES, PUBLIC; SECURITIES AND SECURITIES REGULATION**
Building, See **BOND ISSUES, PUBLIC, Employment security building bonds; Highway general obligation bonds; Long-range building program bonds**
Certificates, See **BAIL, CRIMINAL, Bond certificates**
Corporate, See **SECURITIES AND SECURITIES REGULATION**
Cosmetology, schools of — requirements for operators, 37-31-311
Employees, bonding of, See **SURETY BONDS**, generally
Employment security building, See **BOND ISSUES, PUBLIC**
Fidelity, See **SURETY BONDS**, generally
General obligation, See **BOND ISSUES, PUBLIC**
Grazing districts, trespassing livestock — security for payment of damages, 76-16-311, 76-16-315
Guaranteed arrest bond certificates, See **BAIL, CRIMINAL, Bond certificates**
Guardian, See **GUARDIAN AND WARD**
Highway Commission members, requirements, 60-2-102
Highway general obligation, See **BOND ISSUES, PUBLIC**
Indemnity, See **INDEMNITY**
Insurance
  administrators, requirements, 33-17-605
  guaranteeing and executing, See **SURETYSHIP AND SURETIES**
Insurers, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
  domestic mutuals, requirements, 33-3-205
  farm mutual, investment, 33-4-403
Investment, See **SECURITIES AND SECURITIES REGULATION**
Issues, See **BOND ISSUES, PUBLIC; SECURITIES AND SECURITIES REGULATION**
Long-range building program, See **BOND ISSUES, PUBLIC**
Motor vehicle dealers, required when, 61-4-101
Official, See **SURETY BONDS**
Performance, See **SURETY BONDS**, generally
Raffle prizes, prohibited as, 23-5-413
Railroad, See **RAILROADS, Rehabilitation revenue bonds; Rolling stock revenue bonds**
Refunding, See **BOND ISSUES, PUBLIC; RAILROADS, Rehabilitation revenue bonds; Rolling stock revenue bonds**
Revenue, See **BOND ISSUES, PUBLIC; RAILROADS, Rehabilitation revenue bonds; Rolling stock revenue bonds**
State land leases, required when, 77-6-207
Subdivisions, out-of-state sales — furnished when, 76-4-1113
Surety, See **SURETY BONDS**
Surety companies and insurance, See **SURETYSHIP AND SURETIES**
Undertakings, See **UNDERTAKINGS**
Utilities, special improvement districts for underground conversion — issuance, 69-4-332

BOND VALIDATING ACT, Title 17, chapter 5, part 2

  See **BOND ISSUES, PUBLIC**

BONE MEAL

See **COMMERCIAL FERTILIZERS**, generally

BOTTOM-HOLE TEMPERATURES

See **OIL AND GAS**

BOULDER RIVER SCHOOL AND HOSPITAL

See **DEVELOPMENTALLY DISABLED PERSONS**

BOUNDARIES

See **REAL PROPERTY**

BOUNTIES

See **PREDATORS AND PREDATOR CONTROL**

BOW AND ARROW HUNTING

See **FISH AND WILDLIFE, Bow and arrow**

BOXING MATCHES, 7-21-4212

BOWLING ALLEYS

Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally

BRACE AND BUNCO GAMES

Unlawful, 23-5-106

BRAIN DEATH ACT, UNIFORM, 50-22-101

BRANCH BANKING

See **BANKS AND TRUST COMPANIES**

BRANCHES OF GOVERNMENT

Executive, See **EXECUTIVE BRANCH**
Judicial, See generally **COURTS; JUDGES AND JUSTICES**
Legislative, See **LEGISLATURE**

BRANDS

Commercial feeds, See **COMMERCIAL FEEDS**, generally
Commercial fertilizers, See **COMMERCIAL FERTILIZERS**, generally
Farm products, grading and branding, See **HORTICULTURE, Grades and brands**
Fur-bearing animals, 70-2-112, 70-2-113
Livestock, See **LIVESTOCK MARKS AND BRANDS**

BREACH OF PEACE

See **CRIMES**

BREACH OF PROMISE, 27-1-602
  See also **REMEDIES, Abolished causes of action**

BREAD
  See **FOOD AND FOOD PRODUCTS, Flour and bread**

BREAKING AND ENTERING
  See **CRIMES, Burglary**

BRIBERY
  See **CRIMES**

BRIDGES

Cities and towns, construction and maintenance, Title 7, chapter 14, part 22
Construction
  funds for, 60-3-214
  liens for labor, See **LIENS, Mechanics' liens**
  methods, investigation, 60-2-206
  outside of Montana, funding — when, 60-3-214
County maintenance and control, Title 7, chapter 14, part 22, See also **COUNTY ROADS AND BRIDGES**
Defined, 60-1-103
Eminent domain, 70-30-102, 70-30-103, See **EMINENT DOMAIN**
Floodplains and floodways, See **FLOODPLAINS AND FLOODWAYS, Obstructions**, generally
Funds for construction, See **Construction**
Highways, Department of
  construction funds, allocation, 60-3-214
  replacement funds, allocation, 60-3-215
Insurance against loss or damage to, See **INSURANCE — MARINE**, generally
Maintenance methods, investigation, 60-2-206
Marking, rules for, 60-2-201
"Public highway" defined as, 60-1-103
Railroads, running trains over unsafe — unlawful, 69-14-562
Reconstruction, See **Construction**, generally
Repairs, damage to timber when, 70-16-107
Replacement funds, 60-3-215
Taxes, assessment, 15-8-405
Timber, damage during repairs to, 70-16-107
Traffic regulations concerning, See **TRAFFIC REGULATIONS**

BRIEFS
  See **APPEALS, CIVIL; APPEALS, CRIMINAL**

BROADCASTING STATIONS
  See **NEWS MEDIA; RADIO BROADCASTING; TELEVISION**

BROKERS
  See **REAL ESTATE BROKERS AND SALESMEN; SECURITIES AND SECURITIES REGULATION, Brokers, salesmen, and advisors**

BRUCELLOSIS
  See **LIVESTOCK**

BUDGET ACT, Title 17, chapter 7, part 1
    See **BUDGET AND BUDGETING**, generally

BUDGET AND BUDGETING
Appropriation measures, inclusion, 17-7-123
Bills, 17-7-131
Budget Act
    citation, 17-7-101
    employment security building bonds, applicability, 17-5-610, 17-5-620
    generally, Title 17, chapter 7, part 1
    public employees' retirement system, validity and effectiveness, 19-3-106
Budget amendments
    consumer counsel, 69-1-223
    defined, 5-12-102
    federal assistance program funds, expenditure, 17-3-108
    overspending, penalty, 17-8-103, 17-8-104
    review and recommendations, 5-12-402
    submissions, 5-12-401
Budget director, duties, See **BUDGET DIRECTOR**
Chief budget officer, 17-7-103
Citation of Budget Act, 17-7-101
Cities and towns, See **CITY FINANCE**
Consolidated budget summary, 17-7-123
County, See **COUNTY FINANCE**
Definitions, 17-7-102
Departmental programs, analysis, 17-7-123
Executive budget
    contents, 17-7-123
    legislative fiscal analyst, duties, 5-12-302
    long-range building program, 17-7-123, 17-7-204
    recommendations included, 17-7-123, 17-7-204
Expenditures
    limitations, 17-8-103
    penalty for violations, 17-8-104
    procedures, 17-8-102
Governor's recommendations, 17-7-121, 17-7-123
Hearings, officers' right of appearance, 17-7-132
Housing, capital reserve account, 90-6-120
Legislative action, 17-7-131
Levies to meet, 15-7-122, 15-10-101, 15-10-102, 15-10-203, 15-10-204
Long-range building program, recommendations for, 17-7-123, 17-7-204
Municipalities, See **CITY FINANCE**
Officers, right to appear at hearings, 17-7-132
Overspending, penalty, 17-8-103, 17-8-104
Preliminary preparation, 15-10-203, 15-10-204, 17-7-121
Program spending plans, analysis, 17-7-123
Public employees' retirement employer contributions, allowance for, 19-3-803
Requests
    forms, distribution and contents, 17-7-111
    investigations, 17-7-113
    judicial, 3-1-702
    legislative fiscal analyst
        copies to, 5-12-303
        duties, 5-12-302
    preparation by budget director when, 17-7-112
    submission, deadline and exceptions, 17-7-112
    supplemental, 17-7-301
Schools, See **SCHOOL FINANCE, Budget system**
Social security contributions, allowance for, 19-1-703, 19-1-825
Submission
    to governor and governor-elect, 17-7-121
    to legislature, 17-7-122
Supplemental requests, 17-7-301

BUDGET COUNSELING

See **DEBTS, DEBTORS, AND CREDITORS**, **Debt adjusting**

BUDGET DIRECTOR

See also **PUBLIC OFFICERS**, generally

Access to information, 17-1-132
Appointment, 17-7-103
Appropriations, insufficient — request for expenditure of second fiscal year appropriation, 17-7-301
Assistant, chief, 17-7-103
Ballot issues, preparation of fiscal notes, 13-27-312
Budget, See also **BUDGET AND BUDGETING**
  amendments
    defined, 5-12-102
    submissions, 5-12-401, 5-12-402
  audit costs, inclusion, 5-13-402
  preliminary, preparation and submission, 17-7-121
  requests
    forms, distribution and contents, 17-7-111
    preparation by, when, 17-7-112
    submission deadline, 17-7-112
Budget Act, Title 17, chapter 7, part 1, See **BUDGET AND BUDGETING**, generally
Community college districts
  budget forms, approval, 20-15-309
  funding proposal, submission by board of regents, 20-15-309
Data processing services, duties, 18-4-111
Duties, generally, 17-1-131
  assignation, 17-7-103
Expenditures, quarterly allotment system required when, 17-8-102
Federal assistance management
  application forms and procedures, determination, 17-3-104
  cost allocation plan, statewide, 17-3-110
  reports by state agencies, 17-3-109
Fiscal analysis of state government, duties, 5-12-303
Fiscal notes, responsibility and preparation, 5-4-203, 5-4-204, 5-4-206, 13-27-312
Investigations and inquiries by, 17-7-113
Legislative assistance by, 17-1-131
Legislative auditor, audit cost estimates, 5-13-402
Personnel, 17-7-103
Publishing Policy Committee, member, 2-15-1017
Report requirements, 17-1-131
State agencies
  audit cost estimates, 5-13-402
  reports, copies to, 2-7-102
Statewide classification and pay plans
  positions and employees
    determination and amendment, 2-18-204
    list, maintenance, 2-18-206
  salary and wage adjustments, 2-18-106
Superintendent of Public Instruction, request for supplemental appropriations when, 20-9-351, 20-9-352
Supplemental funds, first year spending of second year moneys, 17-7-301
Travel expenses, 17-7-113
Vehicle Equipment Safety Commission, budgets submitted by, 61-2-208

BUDGET LAW, MUNICIPAL, Title 7, chapter 6, part 42

See **CITY FINANCE**, **Budget**

BUFFALO

See **FISH AND WILDLIFE**, **Bison**; **LIVESTOCK**, **Running at large**, generally

BUILDING AND LOAN ASSOCIATIONS

Accounts, See **Stock**
Actions against, statute of limitations, 27-2-213
Agents, See also **Officers and employees**, generally
    appointment, 32-2-401
    bonding, 32-2-408
    contracts and approval thereof, 32-2-305
    foreign associations, designation to act for, 32-2-221, 32-2-222
    licenses and revocation thereof, 32-2-409
    removal from office, 32-2-305, 32-2-307
    unlawful practices, 32-2-106 — 32-2-109, 32-2-305, 32-2-402, See **Unlawful practices**
Annual meeting, See **Stockholders**
Annual reports, 32-2-306, 32-2-412, 32-2-413, See also **Reports**
Application of building and loan association laws generally, 32-2-103
    conformity, 32-2-104
    enforcement, 32-2-101, 32-2-103, 32-2-104
    exemptions, 32-2-104
    federal savings and loan associations, 32-2-111
    reciprocity with laws of other states, 32-2-105
    unlawful practices, See **Unlawful practices**
    violation of laws generally and penalty, 32-2-106
Articles of incorporation, See **Incorporation**
Bankruptcy, See **Liquidation**
Board of directors, See **Directors, board of**
Borrowing by, See **Indebtedness of**
Borrowing from, See **Loans**
Branching prohibited, 32-2-231
Bylaws
    amendment, 32-2-401
    contents and approval, 32-2-204
Campaign depositories, as, 13-37-205
Capital stock, See **Stock**
Certificate of incorporation, See **Incorporation**
Checking accounts prohibited, 32-2-419, See also **Stock**
Closure, See **Liquidation**
Commerce, Department of
    agents
        approval of contracts, 32-2-305
        bonding, 32-2-408
        licensing, 32-2-409
    bonding of officers, agents, and employees, 32-2-408
    bylaws of association
        amendment, 32-2-401
        approval, 32-2-204
    certificate of incorporation, issuance, 32-2-205
    confidentiality of association examinations, violation, 32-2-307
    consolidation, approval by, 32-2-231
    conversion to federal savings and loan associations, action in, 32-2-441
    directors, board of
        change in number, approval, 32-2-401
        oath filed with department, 32-2-206
        removal, 32-2-304
    enforcement powers, 32-2-101
    examinations by, See **Examinations**
    federal home loan banks, furnishing information to, 32-2-308
    federal savings and loan associations
        conversion to, action in, 32-2-441
        rights of, approval of exercise by state-chartered associations, 32-2-111
    foreign associations, authority respecting, 32-2-221 — 32-2-224, See **Foreign associations**
    impairment, action in, 32-2-309
    incorporation, investigations respecting, 32-2-205, See also **Incorporation**
    insolvency, action in, 32-2-309
    investigation regarding incorporation, 32-2-205

BUILDING AND LOAN ASSOCIATIONS (Continued)

Commerce, Department of (Continued)
  liquidation, examination and supervision, 32-2-431
  new association, incorporation, 32-2-205
  oaths, may administer when, 32-2-302
  officers and employees of association
    bonding, 32-2-408
    examination of, 32-2-302
    removal, 32-2-304
  officers and employees of department, removal, 32-2-307
  organizational changes, approval, 32-2-401
  records preservation, 32-2-306
  removal of agents or employees of department, 32-2-307
  removal of directors, officers, or employees of association, 32-2-304
  reports, See **Reports**
  supervision of associations, 32-2-101
  unlawful practices, 32-2-307, See also **Unlawful practices**
Condominium funds deposited in escrow with, 70-23-201
Conformity to building and loan association laws generally, See **Application of building and loan association laws generally**
Consolidation, 32-2-231
Consumer loan business, exempt from licensee requirements respecting, 32-5-103
Contingent losses, fund for, 32-2-410
  losses in excess of fund, 32-2-411
  payments to, 32-2-401, 32-2-410, 32-2-411
Continual succession, 32-2-101, 32-2-401
Corporate existence, evidence of, 32-2-203
Crimes, See **Application of building and loan association laws generally; Unlawful practices**
Definitions, 32-2-101, 32-2-103
Depository for public funds, See **STATE TREASURER, Depositories**
Deposits
  child support debts, service upon — effective when, 40-5-244
  fire department relief association fund, investment, 19-11-402
  prohibited, 32-2-419, See **Stock**
  public moneys, See **LOCAL FINANCE, Deposit of public moneys**
  school district moneys, investment in, 20-9-213
  state funds, investment, 17-6-211
  unclaimed property, See **PERSONAL PROPERTY, Unclaimed or abandoned property**, banking organizations
Development credit corporation, membership in, 32-4-101, 32-4-302, See also **DEVELOPMENT CREDIT CORPORATIONS**, generally
Directors, board of
  bonding of officers, agents, and employees, 32-2-408
  bylaws, adoption and amendment, 32-2-401, See also **Bylaws**
  consolidation of association, duties respecting, 32-2-231
  contingent losses, creation of fund, 32-2-410
  duties generally, 32-2-206
  election, 32-2-204, 32-2-206
  liability, 32-2-304
  meetings, 32-2-208
    first meeting, 32-2-206
    notice, 32-2-208, 32-2-209
    special meetings, 32-2-208, 32-2-209
  number, 32-2-206
    change in, 32-2-401
  oath, 32-2-206
  officers, selection, 32-2-206
  qualifications, 32-2-204
  removal, 32-2-207
    recommendation by department of commerce when, 32-2-304
  tenure, 32-2-204
  unlawful practices, 32-2-106 — 32-2-109, 32-2-402, See **Unlawful practices**

BUILDING AND LOAN ASSOCIATIONS (Continued)

Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Disincorporation, See **Liquidation**
Dissolution, See **Liquidation**
Dividends, See **Earnings**
Earnings
  distribution, 32-2-411
  frequency, 32-2-401
  liquidation, distribution of earnings when, 32-2-431
Election campaign depositories, as, 13-37-205
Electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Employees, See **Officers and employees**
Enforcement, See **Application of building and loan association laws generally**; **Unlawful practices**
Examinations, by department of commerce, 32-2-301
  confidentiality, 32-2-307
  false statement, 32-2-107, 32-2-307
  liquidation, examination when, 32-2-431
  refusal of permission for, 32-2-107
  removal of directors, officers, or employees when, 32-2-304
  special examinations, 32-1-214, 32-1-215
Expansion, 32-2-231
Expenses, how paid, 32-2-411
Federal home loan banks
  borrowing from, 32-2-401
    assets of association, pledge as security when, 32-2-405
  investment in, 32-2-406
  membership in, 32-2-308
  public funds
    deposits, security, 17-6-103, 17-6-211
    interest requirements, 17-6-104
Federal Housing Administration, loans secured by, See **Loans**, real estate
Federal savings and loan associations
  applicability of laws, 32-2-111
  conversion to, 32-2-441
    effect, 32-2-442
  rights to state-chartered associations, 32-2-111
Federal Savings and Loan Insurance Corporation
  obligations of, investment in, 32-2-406
  public funds
    deposits insured by, 17-6-102
    interest requirements, 17-6-104
Fees
  agent license, renewal, 32-2-409
  assets, annual fee based on, 32-2-110
  membership fee, 32-2-204
  paid into state treasury, 32-2-102
  withdrawal, 32-2-404
Foreign associations
  agent
    Montana citizenship required, 32-2-222
    service of process on, 32-2-221
    written consent and revocation thereof, 32-2-222
  attachment of stock, 32-2-224
  branching prohibited, 32-2-231
  contracts void when, 32-2-223
  reciprocity concerning obligations and prohibitions, 32-2-105
  requirements, 32-2-221
  secured loans, purchase by, 32-2-103
  submission to laws of Montana, 32-2-221
Impairment, See **Liquidation**
Incorporation
  articles of incorporation
    amendment, 32-2-401

BUILDING AND LOAN ASSOCIATIONS (Continued)

Incorporation (Continued)
- articles of incorporation (Continued)
  - certified copy, evidence of facts therein, 32-2-202
  - contents, 32-2-201
- bylaws
  - amendment, 32-2-401
  - contents and approval, 32-2-204
- certificate of authorization
  - corporate existence, evidence of, 32-2-203
  - discrimination in issuance, denial, or revocation prohibited, 49-3-204
  - issuance, 32-2-205
  - transaction of business without, unlawful, 32-2-106
- certificate of incorporation
  - corporate existence, evidence of, 32-2-203
  - discrimination in issuance, denial, or revocation prohibited, 49-3-204
  - procedure for obtaining, 32-2-205
  - transaction of business without, unlawful, 32-2-106
- continual succession, 32-2-101, 32-2-401
- corporate existence, 32-2-203
- foreign associations, 32-2-221 — 32-2-224, See **Foreign associations**
- investigation by department of commerce, 32-2-205

Indebtedness of, See also **Liquidation**
- assets of association, pledge as security for loan, 32-2-405
- authorization when, 32-2-401

Insolvency, See **Liquidation**

Installment loans, See **Loans**

Insurance
- premium finance agreements, 33-14-201, See also **INSURANCE**, **Premium finance companies**
- to indemnify, See **SURETYSHIP AND SURETIES**, generally

Insurers
- investments, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Investments**
- restrictions regarding, 33-18-501

Interest, See **Earnings**; **Loans**, charges

Investments, 32-1-424, 32-2-406
- authorization, 32-2-401
- real estate, 32-2-407, 32-2-501 — 32-2-503

Liquidation, 32-2-431
- dissolution authorized, 32-2-401
- insolvency or impairment, action of department of commerce, 32-2-309
- reorganization of association, 32-2-432
- unclaimed property, 70-9-205, See **PERSONAL PROPERTY**, **Unclaimed or abandoned property**, banking organizations
- voluntary liquidation and settlement, 32-2-431

Loans, See also **LOANS**, generally
- authorization, 32-2-401
- building and loan associations
  - borrowing by, See **Indebtedness of**
  - foreign, purchase of secured loans, 32-2-103
  - other associations, loans to, 32-2-401
- cancellation, 32-2-401, 32-2-403
- charges
  - assessment and collection, 32-1-436, 32-2-401
  - installment loans, 32-2-401
  - limits and penalties, 31-1-111, 31-1-112, 32-1-436, 32-2-402
  - statement of, 32-2-403
- consumer loan business, exempt from licensee requirements respecting, 32-5-103
- discriminatory practices prohibited, 49-2-306, 49-2-403
- electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
- energy improvement loans, interest and tax credit, 15-32-107
- foreign associations, purchase of secured loans, 32-2-103

BUILDING AND LOAN ASSOCIATIONS (Continued)

Loans (Continued)
  installment loans
    applicability of laws, 31-1-202
    permissible charges, 32-2-401
  interest, 32-1-436, 32-2-401, 32-2-402
  liability of borrower, limits, 32-2-415
  liquidation of association, loans unlawful in, 32-2-431
  members, loans to — exceptions, 32-2-401
  real estate
    limitations, 32-2-407
    mortgages, See **MORTGAGES**
    national housing act loans, 32-2-501
      application of sections, 32-2-503
      exemption from state laws when, 32-2-502
    servicemen's readjustment act of 1944, guaranteed by, 32-2-420
    trust indentures, See **TRUST INDENTURES**
  "regulated lender" defined, 31-1-111
  solicitation of, 32-2-409
Losses, payment, 32-2-410, 32-2-411
Meetings of stockholders, See **Stockholders**
Members, 32-2-101
Merger, 32-2-231
Mortgages, See **Loans**, real estate; **MORTGAGES**
Name of association
  change, 32-2-401
  exclusivity, 32-2-201
National Housing Act loans, 32-2-501 — 32-2-503
New association, incorporation, See **Incorporation**
Offenses, See **Application of building and loan association laws generally; Unlawful practices**
Officers and employees
  agents, See **Agents**
  appointment, 32-2-206, 32-2-401
  bonding, 32-2-408
  bylaws, governed by, 32-2-204
  compensation, 32-2-401
  discriminatory practices prohibited, 49-2-306, See also **DISCRIMINATION**, generally
  election, 32-2-206
  removal, 32-2-304, 32-2-307
  secretary to furnish property tax statement, 15-24-801
  unlawful practices, 32-2-106 — 32-2-109, 32-2-402, See also **Unlawful practices**
Organizational changes
  capital stock, increase or diminution, 32-2-401
  consolidation, 32-2-231
  federal savings and loan association, conversion to, 32-2-441, 32-2-442
  liquidation, reorganization under, 32-2-432, See also **Liquidation**
  name change, 32-2-401
  number of directors, change, 32-2-401
  place of business, change, 32-2-401
Out-of-state associations, See **Foreign associations**
Penalties for violations of building and loan association laws generally, 32-2-106
Perpetual existence, 32-2-101, 32-2-401
Powers and duties
  conformity, 32-2-104
  federal savings and loan association rights to state-chartered associations, 32-2-111
  generally, 32-2-401
Profits, calculation, 32-2-414
Property, See **Real estate**
Proxies, 32-2-209, 32-2-210
Public funds, depository for, See **STATE TREASURER, Depositories**
Purpose, 32-2-101, 32-2-103

BUILDING AND LOAN ASSOCIATIONS (Continued)

- **Real estate**
  - acquisition, authorization, 32-2-401
  - condominium funds deposited in escrow with, 70-23-201
  - investment in, 32-2-406
  - loans, See **Loans**
- **Reciprocity**, laws of other states, 32-2-105
- **Records**, preservation, 32-2-306
- **Reorganization**, See **Liquidation**; **Organizational changes**
- **Reports**, to department of commerce
  - annual report of financial condition, 32-2-412
    - form, filing, and publication, 32-2-413
    - unpaid interest or commissions, 32-2-414
  - condition, report of, 32-2-303
  - confidentiality, 32-2-307
  - false statement, 32-2-107, 32-2-307
  - form, 32-2-302, 32-2-303
  - governor, annual report available to, 32-2-306
  - power of department, 32-2-302
  - records preservation, 32-2-306
- **Reserve fund**, 32-2-411
- **Sales finance company**, as, 31-1-202, 31-1-221, See **CREDIT TRANSACTIONS**, **Retail installment sales**
- **Seal**, 32-2-401
- **Securities**, See also **Stock**
  - broker-dealer, exclusion as, 30-10-103
  - exemptions, 30-10-104, 30-10-105
  - investment adviser, exclusion as, 30-10-103
  - investment in, 32-2-406
  - public funds, pledged for deposit, 17-6-102, 17-6-105
  - registration exemption, 30-10-104
- **Servicemen's Readjustment Act of 1944**, loans guaranteed by, 32-2-420, See also **Loans**, generally
- **Shareholders**, See **Stockholders**
- **Shares**, See **Stock**
- **Special examinations by Department of Commerce**, 32-1-214, 32-1-215, See also **Examinations**
- **State funds**, investment, 17-6-211
- **Statute of limitations on actions against**, 27-2-213
- **Stock**
  - cancellation, 32-2-401
  - capital stock
    - articles of incorporation, statement in, 32-2-201
    - increase or diminution, 32-2-401
    - issuance, 32-2-401
    - requirements, 32-2-205
  - checking accounts prohibited, 32-2-419
  - deposits prohibited, 32-2-419
  - dividends, See **Earnings**
  - electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
  - foreign associations, 32-2-221 — 32-2-224, See **Foreign associations**
  - insurance companies, investments, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Investments**
  - issuance, authorization and restrictions, 32-2-401
  - joint ownership of shares, 32-2-416
  - minors, shares issued to and owned by, 32-2-401, 32-2-418
  - proxies, 32-2-209, 32-2-210
  - registration exemption, 30-10-104
  - secured transactions, exclusion, 30-9-104
  - transfer, 32-2-211
    - certificate of stock lost or owner out of state, 32-2-212
  - trust, shares held in, 32-2-417

BUILDING AND LOAN ASSOCIATIONS (Continued)

Stock (Continued)
  withdrawal
    authorization, 32-2-401, 32-2-404
    procedure, 32-2-404
Stockholders
  consolidation, 32-2-231
  definition, 32-2-101
  directors
    election, 32-2-206
    removal, 32-2-207
  dues, 32-2-401
  examination of association requested by, 32-2-301
  federal savings and loan association, conversion to — stockholders' vote required, 32-2-441
  joint ownership of shares, 32-2-416
  meetings, 32-2-208
    bylaws, provision for meetings in, 32-2-204
    notice, 32-2-208, 32-2-209
    proxies, 32-2-209, 32-2-210
    special meetings, 32-2-208, 32-2-209
  membership fee, 32-2-204
  minors, shares issued to and owned by, 32-2-401, 32-2-418
  proxies, 32-2-209, 32-2-210
  reorganization of association in liquidation, ratification, 32-2-432
  trust, shares held in, 32-2-417
Supervision, 32-2-101, See also **Commerce, Department of**
Surety insurance, See **SURETYSHIP AND SURETIES**, generally
Taxation, See **TAXATION**
Trust indenture, trustee for, 71-1-306, See also **TRUST INDENTURES**, generally
Trust, shares held in, 32-2-417
Unclaimed property, See **PERSONAL PROPERTY**, **Unclaimed or abandoned property**, banking organizations
Uniform Disposition of Unclaimed Property Act, Title 70, chapter 9, parts 1 — 3, See **PERSONAL PROPERTY**, **Unclaimed or abandoned property**, banking organizations
Unlawful practices
  agent, operation as without approval of department of commerce, 32-2-305
  certificate of incorporation, transaction of business without, 32-2-106
  checking accounts, 32-2-419
  deposits, 32-2-419
  examinations by department of commerce
    confidentiality, violation of, 32-2-307
    false statement, 32-2-107, 32-2-307
    refusal of permission, 32-2-107
  false statements, 32-2-107, 32-2-307
  financial statements, false statements in, 32-2-107
  loan charges allowable, violation, 32-2-402
  property, receipt of with intent to defraud, 32-2-107
  purchases for sum less than value by association director, officer, or employee
    assets of association, 32-2-109
    obligations of association, 32-2-108
  reports to department of commerce, violation of confidentiality or falsification, 32-2-307
  violation of laws generally, 32-2-106
Violation of building and loan association laws and penalty, 32-2-106, See also **Application of building and loan association laws generally**; **Unlawful practices**

BUILDINGS AND BUILDING REGULATIONS

  See also **CAPITOL AND OTHER STATE BUILDINGS**

Administration, Department of
  administrative authority, 50-60-103
  asbestos, rulemaking authority, 50-64-103

BUILDINGS AND BUILDING REGULATIONS (Continued)

Administration, Department of (Continued)
    cooperation with other agencies, 50-60-103
    electrical installations, authority, 50-60-603 — 50-60-607
    elevators, inspections, 50-60-701, 50-60-702
    factory-built buildings, authority, 50-60-401 — 50-60-403
    fee schedule, establishment, 50-60-104
    hearings by, 50-60-105, 50-60-204, 50-60-206
    inspections by, 50-60-103
    municipal building codes
        appeals to, 50-60-303
        certification, 50-60-302
    orders by, 50-60-103
    plumbing standards, authority, 50-60-504, 50-60-505, 50-60-507 — 50-60-511, 50-60-513, 50-60-514
    rulemaking authority, 50-60-202 — 50-60-204, 50-60-302, 50-60-401, 50-60-504, 50-60-603, 50-64-103
    schools, services to, See **SCHOOLS, Sites and facilities**
    state building code
        adoption, 50-60-103, 50-60-203
        applicability, 50-60-102
        filing with secretary of state, 50-60-204
        hearings by, 50-60-204
        variances, granting, 50-60-206
    testing of materials and methods, 50-60-103
    variances, granting, 50-60-206
Administration of provisions, 50-60-103, 50-60-105, 50-60-106, See also **Administration, Department of**
Applicability of laws, 50-60-101
    exclusions, 50-60-102
    factory-built buildings, 50-60-404
    mobile homes, 50-60-101
    municipal or county building codes, 50-60-301
    plumbing requirements, 50-60-503
    state building code, 50-60-102, 50-60-203, 50-60-205
Architects, See also **ARCHITECTURE AND ARCHITECTS**
    certification requirements, 18-2-113
    correction orders, noncompliance, 50-60-110
    plans, drawings, and specifications — requirements, 18-2-114, 18-2-122
    seal required when, 18-2-114, 18-2-122
Asbestos regulation
    administration, department of — rulemaking authority, 50-64-103
    construction safeguards, 50-64-105, 50-64-106
    definitions, 50-64-102
    demolition safeguards, 50-64-104
    disposal, 50-64-104
    "fibrated product" defined, 50-64-102
    penalties, 50-64-107
    purpose of provisions, 50-64-101
    rulemaking authority, 50-64-103
    spray products containing asbestos
        prohibited, 50-64-105
        supervision of use, 50-64-106
    violations, 50-64-107
    warning signs and notices, 50-64-104
Blighted areas, rehabilitation, See **URBAN RENEWAL**
Blind persons, operation of vending facilities, See **BLIND OR VISUALLY HANDICAPPED PERSONS, Vending facilities**
Boilers, See **BOILERS AND STEAM ENGINES**
Building codes, See **Local building codes; State building code**
"Business district" defined, 61-1-408, See **TRAFFIC REGULATIONS**
Certificate of occupancy, 50-60-106, 50-60-107

BUILDINGS AND BUILDING REGULATIONS (Continued)

Cities and towns
  authority, 50-60-106, See **Municipal and county building codes**
  construction, lease, and management, 7-8-4101
  general provisions, Title 7, chapter 15, part 41
Codes, See **Local building codes; State building code**
Columbariums, See **MAUSOLEUMS AND COLUMBARIUMS, Construction**
Condemnation as fire hazard, See **FIRES AND FIRE PROTECTION, Hazard removal**
Condominiums, See **CONDOMINIUMS**
Construction generally
  administration, department of — duties respecting, See **Administration, Department of**
  applicability of laws, 50-60-201
  asbestos, use, 50-64-105, 50-64-106, See also **Asbestos regulation**
  certificate of occupancy, 50-60-106, 50-60-107
  cities and towns, authority, 50-60-106
  costs, study, 50-60-103
  cranes, See **HOISTING ENGINES**
  defined, 50-60-101
  development projects, 90-5-101, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
  electrical standards, See **Electrical standards**
  elevators, See **ELEVATORS; HOISTING ENGINES**
  factory-built buildings, See **Factory-built buildings**
  fire marshal, approval by, 50-3-103, 50-61-112, 50-61-113
  floors, temporary, 50-77-102, 50-77-106, 50-77-107
  flues, protection, 50-77-104, 50-77-106, 50-77-107
  funding, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**, revenue bonds
  hoisting engines, See **HOISTING ENGINES**
  inspections, 50-60-104, See also **Inspections**
  mobile homes, See **Factory-built buildings**
  openings, protection, 50-77-104, 50-77-106, 50-77-107
  permits, 50-60-106, 50-60-108, See **Permits**
  planking above scaffolds, 50-77-103, 50-77-106, 50-77-107
  plans, approval, 50-60-106, 50-60-202, 50-60-206
  plumbing, See **Plumbing standards**
  recreational vehicles, See **Factory-built buildings**
  rulemaking authority, 50-3-103, 50-60-203
  scaffolding, 50-77-101, 50-77-103, 50-77-106, 50-77-107
  stairways, protection of openings, 50-77-104, 50-77-106, 50-77-107
  standards generally, 50-60-201, 50-60-203
  toilets, temporary, 50-77-105 — 50-77-107
  variances, 50-60-206
  violations, 50-60-110
Construction of public buildings
  acts of God, effect, 18-2-312
  architects, See **Architects**
  bids
    additional restricted when, 18-2-311
    preference to Montana labor, 18-2-403
  bonding of contractors, See **PUBLIC CONTRACTORS**
  contractors, See **PUBLIC CONTRACTORS**
  contracts, See also **PUBLIC CONTRACTS**, generally
    amount withheld when, 18-2-404
    approval, 18-2-404
    discrimination prohibited, 18-2-403, 49-3-207
    federal funds, involving, 18-2-313, 18-2-403
    preference to Montana labor, 18-2-403
    time extensions, additional bids restricted, 18-2-311
  definitions, 18-2-401
  delays, 18-2-311, 18-2-312
  engineers or land surveyors, See **Engineers or land surveyors**

BUILDINGS AND BUILDING REGULATIONS (Continued)

Construction of public buildings (Continued)
  federal funding, contracts involving, 18-2-313, 18-2-403
  injunction issued when, 18-2-408
  land surveyors, See **Engineers or land surveyors**
  supervision, 18-2-121
  violations and penalty, 18-2-408
Contractors, See **PUBLIC CONTRACTORS**
Contracts, See **Construction of public buildings**; See also **PUBLIC CONTRACTS**, generally
Cooperation with governmental agencies, 50-60-103
Crematories, construction standards, See **MAUSOLEUMS AND COLUMBARIUMS, Construction**
Criminal charges, 50-60-110, 50-60-515
Definitions, 50-60-101
Demolition, asbestos regulation, 50-64-104, See also **Asbestos regulation**
Easements on state lands for, See **STATE LANDS, Easements**, generally
Electrical standards
  compliance required, 50-60-603
  energization of installation, 50-60-605
  exemptions, 50-60-602
  fees, 50-60-604, 50-60-607
  fire prevention, 50-3-103, 50-60-601
  inspections, 50-60-602, 50-60-604, 50-60-607
  purpose of provisions, 50-60-601
  rulemaking authority, 50-60-603
  tags, 50-60-604 — 50-60-607
  temporary connections, 50-60-605
  violations, 50-60-607
Elevators and escalators, inspection, See **ELEVATORS**
Energy efficiency, 50-60-201, 50-60-203, See also **ENERGY**
Engineers or land surveyors
  seal required when, 18-2-122
  supervision by, 18-2-121
Equipment
  defined, 50-60-101
  installment sales, finance charge, 31-1-241
  security interest, 30-9-103, See **SECURED TRANSACTIONS, General intangibles**
Explosives, storage in or near, 50-38-213, 50-38-214, 50-38-233, See also **EXPLOSIVES, Storage**
Factory-built buildings
  approval, 50-60-402
  compliance required, 50-60-402
  enforcement, 50-60-404
  inspections, 50-60-104, 50-60-402, 50-60-404
  modular homes, 50-60-404
  pre-built homes, 50-60-404
  "recreational vehicle" defined, 50-60-101
  rulemaking authority, 50-60-401
  testing laboratories, 50-60-403
Federal funding of public buildings, contracts involving, 18-2-313, 18-2-403
Fees
  electrical installations, inspection, 50-60-604, 50-60-607
  elevators, inspection, 50-60-701
  factory-built buildings, 50-60-104, 50-60-402
  inspection, 50-60-104
  municipal authority, 50-60-106
  plumbing permits, 50-60-507 — 50-60-509
Fire protection regulations, See **FIRES AND FIRE PROTECTION**
Floodplains and floodways, within, See **FLOODPLAINS AND FLOODWAYS, Obstructions**, generally
Floors, temporary, 50-77-102, 50-77-106, 50-77-107
Handicapped persons, provisions for, 50-60-201

BUILDINGS AND BUILDING REGULATIONS (Continued)

Health care facilities, See **HEALTH CARE FACILITIES**
Health codes and inspections, 50-1-202, 50-1-203, 50-60-203
Health protection at construction site, Title 50, chapter 77, part 1
Hearings
  authorization to hold, 50-60-105
  state building code rules, 50-60-204
  variances, 50-60-206
Hospital construction, See **HOSPITALS AND RELATED FACILITIES, Construction**
Injunction of violations, 50-60-109, 50-60-514
Inspections
  administration, department of — authority, 50-60-103
  electrical installations, 50-60-602, 50-60-604, 50-60-607
  elevators, See **ELEVATORS**
  factory-built buildings, 50-60-104, 50-60-402, 50-60-403
  fees, 50-60-104, 50-60-402
  municipal authority, 50-60-106
  plans, of, 50-60-104, 50-60-106
  plumbing, 50-60-510, 50-60-511
Insulation, asbestos regulation, See **Asbestos regulation**
Insurers, farm mutual — insurance for rural buildings, 33-4-501, 33-4-511
Jurisdiction of district court, 50-60-109, 50-60-514
Landlord-tenant relationships, See **LANDLORD AND TENANT**
Landscape architects, See **LANDSCAPE ARCHITECTURE AND ARCHITECTS**
Local building codes, Title 50, chapter 60, part 3
  mausoleums and columbariums, compliance, 35-21-711
Machinery, See **Equipment**
Mausoleums and columbariums, construction requirements, See **MAUSOLEUMS AND COLUMBARIUMS, Construction**
Mechanics' liens, See **LIENS**
Mining operations
  cessation of mining, orders, 82-4-251
  permit area, deletion from, 82-4-227
  reclamation maps, indication on, 82-4-222
  subsidence protection, 82-4-231
Mobile homes, See **Factory-built buildings**; **MOBILE HOMES, TRAILERS, AND TRAILER PARKS**
Modular buildings, See **Factory-built buildings**
Motor carriers, moving by, 69-12-331
Moving buildings
  motor carriers, by, 69-12-331
  utility lines, interference, See **UTILITIES, Movement of structures**
Municipal and county building codes
  adoption, 50-60-301, 50-60-302
  appeal, 50-60-303
  applicability of laws, 50-60-301
  authorization, 50-60-301
  certificate of occupancy, 50-60-107
  certification, 50-60-302
  compliance required, 50-60-106
  enforcement, 50-60-106, 50-60-109, 50-60-302
  extent, 50-60-301
  injunction of violations, 50-60-109
  plumbing codes, 50-60-506, See also **Plumbing standards**
National building codes, adoption by reference, 50-60-203
Orders to correct, 50-60-106, 50-60-110
Permits
  construction permit, 50-60-106, 50-60-108
    educational or institutional buildings, 50-61-112
  municipal authority, 50-60-106
  plumbing, See **Plumbing standards**
  variances, effect, 50-60-206
Plans and specifications, See **Architects**

BUILDINGS AND BUILDING REGULATIONS (Continued)
Plumbing standards
  criminal charges, 50-60-515
  emergency work, 50-60-509
  enforcement, 50-60-508, 50-60-513 — 50-60-515
  exemptions, 50-60-503, 50-60-504, 50-60-506, 50-60-515
  hiring unlicensed plumber, 50-60-502
  inspections, 50-60-510, 50-60-511
  maintenance personnel or work, exemption, 50-60-506
  minimum standards, 50-60-504
  noncompliance, 50-60-512
  permits
    application, 50-60-507
    commencement of work without, 50-60-509
    emergency work, 50-60-509
    error, 50-60-513
    exceptions, 50-60-506
    failure to obtain, 50-60-509
    fee, 50-60-507, 50-60-508
    issuance, 50-60-507
    required, 50-60-505
    revocation, 50-60-513
    suspension, 50-60-513
  public interest, 50-60-501
  purpose of provisions, 50-60-501
  relocation of buildings, 50-60-508
  residential owner, when work by, 50-60-506
  restraining orders, 50-60-514
  rulemaking authority, 50-60-504
  stoppage of work, 50-60-512
  uniformity, 50-60-504
  unlicensed plumbers, work by, 50-60-502
  violations, 50-60-513 — 50-60-515
Polling places, public buildings as, 13-3-105
Pre-built buildings, See **Factory-built buildings**
Public buildings
  construction, See **Construction of public buildings**
  elevators, 50-60-701
  energy conservation, 50-60-201
  handicapped, provisions for, 50-60-201
  health and environmental sciences, department of — advisory capacity, 50-1-202
  polling places, as, 13-3-105
  sanitation, 50-1-202, 50-2-116
Public contractors, See **PUBLIC CONTRACTORS**
Recreational vehicles, See **Factory-built buildings**
Rehabilitation, See **URBAN RENEWAL**
Rental housing, See **LANDLORD AND TENANT**
"Residence district" defined, 61-1-409, See **TRAFFIC REGULATIONS**
Rulemaking authority
  administration, department of, 50-60-202, 50-60-203, 50-60-401, 50-60-504, 50-60-603
  electrical installations, standards, 50-60-603
  elevator inspections, standards, and certifications, 50-60-702
  factory-built homes, 50-60-401
  hearings on proposed rules, 50-60-204
  municipal building codes, certification, 50-60-302
  municipalities, 50-60-106
  plumbing standards, 50-60-504
  variances, 50-60-206
Rural buildings, insurance for, 33-4-501, 33-4-511
Safety at construction site, Title 50, chapter 77, part 1
Safety codes, compliance, 18-2-108, 50-60-201, 50-60-203, 50-60-206
Sanitation, See also **Plumbing standards**
  advisory authority, 50-1-202

BUILDINGS AND BUILDING REGULATIONS (Continued)

Sanitation (Continued)
  public buildings, 50-2-116
  state building code, 50-60-201, 50-60-203
  toilets, temporary — at construction site, 50-77-105 — 50-77-107
Scaffolding, 50-77-101, 50-77-103, 50-77-106, 50-77-107
Schools, See **SCHOOLS, Sites and facilities**
Sites for, See **SUBDIVISIONS**, generally
Soil survey and mapping program, See **SOIL SURVEYS**, generally
State building code, 50-60-203
  administration, 50-60-103
  adoption, 50-60-103, 50-60-203, 50-60-204
  amendment, 50-60-204
  applicability of laws, 50-60-102, 50-60-205
  certificate of occupancy, 50-60-107
  compliance required, 50-60-106
  cost of construction, aid to reduction, 50-60-201
  design regulation, 50-60-201
  electrical standards, See **Electrical standards**
  energy conservation, 50-60-201, 50-60-203
  enforcement, 50-60-102, 50-60-106, 50-60-205
  exemptions, 50-60-102
  filing with secretary of state, 50-60-204
  fire prevention, 50-60-201
  health protection, 50-60-201
  hearings, 50-60-204
  injunction of violations, 50-60-109
  municipal authority, 50-60-106, 50-60-205
  new materials, 50-60-201
  plumbing, See **Plumbing standards**
  public hearings, 50-60-204
  purpose, 50-60-201
  repeal, 50-60-204
  rulemaking authority, 50-60-202
  safety factors, 50-60-201
  uniformity, 50-60-201
  variances, 50-60-106, 50-60-206
State lands, easements on, See **STATE LANDS, Easements**, generally
Subdivisions, See **SUBDIVISIONS**, generally
Toilets at construction sites, 50-77-105 — 50-77-107
"Urban district" defined, 61-1-410, See **TRAFFIC REGULATIONS**
Urban renewal, See **URBAN RENEWAL**
Utilities
  installation by rural cooperatives, 35-18-106
  lines, interference when moving buildings, See **UTILITIES, Movement of structures**
Variances, 50-60-106, 50-60-206
Vending facilities, See **BLIND OR VISUALLY HANDICAPPED PERSONS, Vending facilities**
Violations
  criminal charges, 50-60-110, 50-60-515
  electrical installations, 50-60-607
  injunction, 50-60-109, 50-60-514
  plumbing, 50-60-515
Visually handicapped persons, rights respecting, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Wiring, See **Electrical standards**
Zoning, See **ZONING**

BULK TRANSFERS

  See also **UNIFORM COMMERCIAL CODE — GENERAL PROVISIONS**

Affirmations, list of creditors, 30-6-104

BULK TRANSFERS (Continued)

Applicability of laws
  auction sales, 30-6-108
  exclusions, 30-6-103, 30-9-111
  generally, 30-1-105, 30-6-102
  secured transactions, exclusion, 30-9-111
  territorial extent, 30-1-105, 30-6-102
  variance by agreement, 30-1-102, 30-1-105
Application of proceeds, 30-6-106, 30-6-108, 30-6-109
Assignment for the benefit of creditors, exclusion, 30-6-103
Auction sales
  auctioneer, 30-6-108
  credit for payments on good faith, 30-6-109
  exclusions from provisions, 30-6-104 — 30-6-106
  requirements, 30-6-108
Bankruptcy sales, exclusion, 30-6-103
Bona fide purchaser, 30-6-110
Citation, 30-1-101, 30-6-101
"Code" defined, 30-1-101
Commercial paper not held in due course, 30-3-302
Concealed transfer, 30-6-111
Conflict of laws, 30-1-105, 30-6-102
Corporate reorganization or dissolution, exclusion, 30-6-103
Creditors
  auctioneer's liability to, 30-6-108
  auction sales, listing, 30-6-108
  defined, 30-1-201, 30-6-109
  entitlement, 30-6-109
  listing, 30-6-104, 30-6-108
  notice to, 30-6-105, 30-6-107, 30-6-109
  proceeds, distribution, 30-6-106, 30-6-109
Damages, auction sales, 30-6-108
Defect in title, 30-6-110
Definitions
  bulk transfer, 30-6-102
  code, 30-1-101
  creditors, 30-1-201, 30-6-109
  generally, 30-1-102, 30-1-201, 30-9-109
Disputed debts, 30-6-106
Effect, 30-6-104
Equipment transfers, applicability, 30-6-102
Exclusions from provisions, 30-6-103, 30-9-111
Execution, property exempt from — exclusion, 30-6-103
Formal requirements, 30-6-104, 30-6-107, 30-6-108
Generally, Title 30, chapter 6
Good faith, obligation, 30-1-203
Identification of property, 30-6-104
Inspection of property schedule or list of creditors, 30-6-104
Inventory of property, See **Schedule of property**
Judicial sales, exclusion, 30-6-103
Laws applicable, See **Applicability of laws**
Levies, limitation, 30-6-111
Lien creditor, rights, 30-2-403
Lien foreclosure, exclusion, 30-6-103
Limitation of actions, 30-6-111
List of creditors, 30-6-104, 30-6-108
Manufacturers, applicability to, 30-6-102
Merchandise sales, applicability to, 30-6-102
Noncompliance, 30-6-110
Notice
  auction sale, 30-6-108
  creditors, to, 30-6-105, 30-6-107, 30-6-109
  defined, 30-1-201

BULK TRANSFERS (Continued)

Notice (Continued)
    exclusion from provisions by, 30-6-103
    noncompliance, 30-6-110
Payments to particular creditors, effect, 30-6-109
Personal representatives, sales by — exclusion, 30-6-103
Proceeds, disposition, 30-6-106, 30-6-108, 30-6-109
Protection of creditors, 30-6-109
Purchaser, 30-2-403, 30-6-110
Receivers, sales by — exclusion, 30-6-103
Schedule of property, 30-6-104
    auction sales, 30-6-108
Scope of provisions, See **Applicability of laws**
Secured transactions, exclusions, 30-6-103, 30-9-111
Security interest, priority when unperfected, 30-9-111
Short title, 30-1-101, 30-6-101
Signature, list of creditors, 30-6-104
Statute of frauds, 30-1-206
Statute of limitation, 30-6-111
Statutes, applicable, See **Applicability of laws**
Subsequent transfers, 30-6-110
Title, 30-6-108, 30-6-110
Validity of transfers, 30-6-104, 30-6-105, 30-6-108, 30-6-110

BUNCO, 23-5-106

See also **CRIMES**, **False pretenses and fraud**; **GAMBLING**, **Lotteries**

BURDENS OF PROOF

See **EVIDENCE**; See also specific subject area

BUREAU OF MINES AND GEOLOGY

See **MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY, Mines and Geology, Bureau of**

BUREAUS

See **STATE AGENCIES**

BURGLARY

See **CRIMES**

BURGLARY INSURANCE

See **INSURANCE — CASUALTY**, generally; See also **SURETYSHIP AND SURETIES**, generally

BURIALS

See **CEMETERIES**; **FUNERALS AND FUNERAL EXPENSES**

BUSES

See also generally **CARRIERS**, **Passenger carriers**; **MOTOR CARRIERS**

Blind or visually handicapped persons as passengers, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally

BUSES (Continued)

"Chauffeur" defined, 61-1-312, See also **DRIVERS' LICENSES**
Defined, 61-1-115
Depots
  alcoholic beverage restrictions, 16-3-305
  fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
  insurance vending machines, licensing, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS, Licenses — agents and solicitors**
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Equipment, See **MOTOR VEHICLE EQUIPMENT**
Gross vehicle weight, See **MOTOR VEHICLES, Gross vehicle weight fees; Size, weight, and load**
Municipal services, Title 7, chapter 14, part 44
  revenue for, 16-1-410
School, See **SCHOOL TRANSPORTATION; TRAFFIC REGULATIONS**
Stops, establishment, 61-8-354
Taxation, 15-6-139, See **TAXATION, Motor vehicles**
Urban transportation districts, See **TRANSPORTATION — URBAN DISTRICTS**

BUSINESS CORPORATION ACT, Title 35, chapter 1

See **CORPORATIONS**, generally

BUSINESSES

See generally **ASSOCIATIONS; CORPORATIONS; PARTNERSHIPS; TRADE REGULATION AND COMPETITION**

BUSINESS LICENSING COORDINATION ACT, Title 30, chapter 16

See **TRADE REGULATION AND COMPETITION, Small business licensing coordination**

BUSINESS RECORDS AS EVIDENCE ACT, UNIFORM, Title 26, chapter 10, M.R.Ev., Rule 803

See also **EVIDENCE, Business**

BUSINESS REGULATION, DEPARTMENT OF

See **COMMERCE, DEPARTMENT OF**

BUSINESS SCHOOLS

See **POSTSECONDARY EDUCATIONAL INSTITUTIONS**, generally

BUSINESS TRUSTS

See **CORPORATIONS**

BUTCHERS AND MEAT PEDDLERS

See also **SLAUGHTERHOUSES**

Bills of sale, 81-9-112
Carcasses
  marking, 81-9-112
  seizure and sale when, 81-9-116

BUTCHERS AND MEAT PEDDLERS (Continued)

Carcasses (Continued)
- uninspected
  - purchase unlawful, 81-9-115
  - transportation, unlawful, 81-9-117

City ordinances, 81-2-105
Definitions, 81-9-101
Hamburger, regulation, See **MEAT AND MEAT PRODUCTS**
Hides
- exhibition, 81-9-111
- inspection, 81-9-111, 81-9-112
  - certificate of, 81-9-111, 81-9-112
  - preslaughter, 81-9-112
- marking, 81-9-112
- uninspected, unlawful to purchase, 81-9-115

Imitation hamburger, regulation, See **MEAT AND MEAT PRODUCTS**
Inspections, See also **HEALTH**, **Food establishments**
- city ordinances for, 81-2-105
- expenses, how paid, 81-2-109
- fees, 81-9-113
- hides, See **Hides**
- officers' authority, 81-9-116

Inspectors
- fees, 81-9-113
- hide inspections, 81-9-111, 81-9-112
- records, 81-9-112

Licenses, See also **HEALTH**, **Food establishments**
- display, 81-9-102
- exceptions to requirements, 81-9-102
- failure to have, 81-9-102
- fees, 81-9-102
- forfeiture, 81-9-103
- revocation, 81-9-114

Livestock, Department of
- carcasses, marking — manner of, 81-9-112
- inspection certificate, copies, 81-9-112

Records, 81-9-112, 81-9-118
Sanitary conditions, rules for, 81-2-102
Standards, rules for, 81-2-102
Violations
- duty to report, 81-9-114
- general, penalties, 81-9-118
- hides, noninspection, 81-9-111
- licenses, failure to have, 81-9-102
- records, falsification, 81-9-118
- uninspected
  - hides or carcasses, purchasing, 81-9-115
  - meat, transportation, 81-9-117

BUTTER AND BUTTER FACTORIES

See **DAIRIES AND DAIRY PRODUCTS**

C

CABOOSES

See **RAILROADS**

CADAVERS, 50-21-101, 50-21-102

See also **CORPSES**, generally

CAFES

See **RESTAURANTS AND SIMILAR ESTABLISHMENTS**

CALCITE

See generally **MINES AND MINING; STATE LANDS, Nonmetallic mineral leases**

CALENDAR

See **COURT CALENDAR PRECEDENCE; DOCKETS**

CAMPAIGN FINANCES AND PRACTICES, COMMISSIONER OF

See **ELECTIONS, Political Practices, Commissioner of**

CAMPAIGN FUND ACT, THE PUBLIC, Title 13, chapter 37, part 3

See **ELECTIONS, Campaign finance**, public funding

CAMPAIGN PRACTICES

See **ELECTIONS**

CAMPAIGN PRACTICES, CODE OF FAIR, Title 13, chapter 35, part 3

See **ELECTIONS, Campaign practices**

CAMPERS

See **MOTOR VEHICLE LICENSE PLATES; RECREATIONAL VEHICLES**, generally; **TAXATION, Recreational vehicles**

CAMPING AND CAMPGROUNDS

See also **PARKS, State parks**

Campfires, provisions regarding, 50-63-102, 50-63-103, 76-13-121 — 76-13-123
Construction, rulemaking authority, 50-52-102
Criminal charges, 50-52-105, See also **Violations**
Definitions, 50-52-101
Fines, disposition, 50-52-105
Fish and Game Commission, enforcement of rules, 87-1-303
Golden Years Pass, 23-1-105
Health and Environmental Sciences, Department of
  inspections by, 50-52-301
    payments to local authorities, 50-52-302
  licenses
    applications to, 50-52-201
    cancellation by, 50-52-205 — 50-52-207
    correction plan to, 50-52-206
    hearings by, 50-52-207, 50-52-209
    issuance by, 50-52-103, 50-52-201, 50-52-208, 50-52-209
    list of licensees to department, 50-52-204
    validation, notice of refusal to, 50-52-209
  rulemaking authority, 50-52-102
Inspections
  funding, 50-52-302
  required, 50-52-301
  supervision, 50-52-301
  when, 50-52-103, 50-52-301

CAMPING AND CAMPGROUNDS (Continued)

Landowner, liability to gratuitous licensee, 70-16-301, 70-16-302
Licensing
  application, 50-52-201
  cancellation, 50-52-205
    correction as bar, 50-52-206
    hearing, 50-52-207
    notice, 50-52-206, 50-52-207
  denial, 50-52-207, 50-52-209
  expiration, 50-52-203
  fees, 50-52-202
  hearings, 50-52-207, 50-52-209
  issuance, 50-52-201
  list of licensees to department of health and environmental sciences, 50-53-204
  required, 50-52-103
  validation, 50-2-118, 50-52-201, 50-52-208, 50-52-209
Littering, See **LITTERING AND LITTER CONTROL**
Outdoor recreation resources, See **RECREATION**
Permits forfeited when, 87-2-112
Recreation, defined as, 70-16-302
Rulemaking authority, 50-52-102, 87-1-303
Sanitarians, duties, See **SANITARIANS**
Space for, See **SUBDIVISIONS**, generally
Violations
  cancellation of license, 50-52-205, See also **Licensing**
  criminal charges, 50-52-105
  fines, disposition, 50-52-105
  penalties, 50-52-105, 50-52-205
  prosecution, 50-52-104
  validation of license, refusal when, 50-52-209

CANADA

Air quality control, cooperation, See **AIR QUALITY**, generally
Insurers
  investments, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Investments**, generally
  trusteed assets, applicability of provisions, 33-2-215, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Alien insurers**
Physicians from, licensing, 37-3-306, 37-3-307
Securities registration, exemption, 30-10-104
Water quality control, See **WATER QUALITY**, generally

CANADA LYNX

  See **FISH AND WILDLIFE**, **Fur-bearing animals**, generally; See also **PREDATORS AND PREDATOR CONTROL**

CANALS, DITCHES, AND FLUMES

Assessments, delinquency sale, 35-1-604
Beavers, removal allowed when, 87-3-501
Benton lake wildlife refuge, canal right-of-way for pumping station, 87-1-707
City regulation, 7-31-4103
Conservation districts, within, See **CONSERVATION DISTRICTS**, generally
Easements
  interference with, 70-17-112
  right of, 70-17-101
  secondary easements, 70-17-112
  state lands, right-of-way, See **STATE LANDS**, **Easements**, generally
Eminent domain, 70-30-102, See **EMINENT DOMAIN**
Fire hazards along right-of-way, 76-13-407, See also **FORESTS AND FORESTRY**, **Fire hazards**

CANALS, DITCHES, AND FLUMES (Continued)

Fish screens and wheels, installation and maintenance, 87-1-222
Highways crossing, 60-4-110
Inspections, secondary easements for, 70-17-112
Irrigation ditches, See **IRRIGATION**
Liens for labor, See **LIENS**, **Mechanics' liens**
Maintenance, secondary easements for, 70-17-112
Mining rights-of-way, 82-2-202
Muskrats, removal allowed when, 87-3-501
Nuisance, obstruction as, 27-30-101
Obstruction as nuisance, 27-30-101
Open ditches, Title 7, chapter 31, part 42
Pumping station works for Benton lake wildlife refuge, 87-1-707
Railroads, construction along, 69-14-532
Repairs, secondary easements for, 70-17-112
Rights-of-way
    benton lake wildlife refuge, 87-1-707
    fire hazards along, 76-13-407
    mining claims, 82-2-202
    state lands, easements on, See **STATE LANDS**, **Easements**, generally
Soil conservation districts, within, See **CONSERVATION DISTRICTS**, generally
Taxation, See **TAXATION**
Water commissioners, powers and duties, See **WATER**, **Commissioners**

CANDIDATES

See **ELECTIONS**

CANES

See **BLIND OR VISUALLY HANDICAPPED PERSONS**

CANNABIS SATIVA

See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**, **Marijuana**

CANVASSERS, BOARD OF COUNTY

See **ELECTIONS**, **Canvassing of votes**

CANVASSERS, BOARD OF STATE

See **ELECTIONS**, **Canvassing of votes**

CANVASSING AND CANVASSERS

See **ELECTIONS**, **Canvassing of votes**

CAPITAL PUNISHMENT

See **DEATH PENALTY**

CAPITAL STOCK

See **SECURITIES AND SECURITIES REGULATION**; specific type of corporation

CAPITOL AND OTHER STATE BUILDINGS

See also **BUILDINGS AND BUILDING REGULATIONS**

Additions to, 2-17-111, 5-17-102

CAPITOL AND OTHER STATE BUILDINGS (Continued)

Administration, Department of
- advertising for bids required when, 18-2-103
- architects
  - appointment, 18-2-112, 18-3-102
  - consultation with, 18-2-104
  - inspections by, supervision, 18-2-105, 18-2-111
  - plans and drawings, approval, 18-2-103
- bids
  - duties regarding, 18-2-103
  - letting, timing, 18-2-104
  - rejection, authority, 18-3-103
- bonds issued by, 18-2-105
- capitol building and planning committee, advice and recommendations, 5-17-102
- conflict of interest prohibited, 18-2-106
- custodian of capitol area, 2-17-111
- engineers, consulting
  - appointment, 18-2-112
  - inspections by, supervision, 18-2-105
- federal funds, contracts for, 18-2-105
- fire protection services, budget for, 2-17-112
- governor-elect, office space for, 2-15-221
- highway building space assignment, 2-17-106
- inspections by, 18-2-103
- insurance plan, administration, 2-17-104
- inventory kept by, 18-2-105
- leases
  - authority for, 18-3-101
  - awarding, 18-3-103
  - bids, 18-3-103
  - contract provisions, 18-3-104
  - rent payments, determination, 18-3-107
- lewis and clark county, purchase or lease in, 18-2-105
- long-range building program, See **Long-range building program**
- office space, allocation, 2-15-121, 2-15-221, 2-17-101, 2-17-106
- pecuniary interest prohibited, 18-2-106
- powers and duties generally, 18-2-103, 18-2-105
- press room requirements, 2-17-103
- state building program, scheduling, 18-2-104
- supervision by
  - costs, 18-2-105
  - duties, 18-2-103, 18-2-111
- warehouses, 2-17-102
- working drawings prepared by, when, 18-2-111

Agriculture, Department of — allocation of building space for, 2-17-106

Alterations, 2-17-111, 5-17-102, 17-5-422

Architects, See also **ARCHITECTURE AND ARCHITECTS**
- appointment, 18-2-112, 18-3-102
- certification requirements, 18-2-113
- consultation with, 18-2-104
- inspections by, supervision, 18-2-105, 18-2-111
- plans, drawings, and specifications
  - approval, 18-2-103
  - seal and signature required, 18-2-114, 18-2-122
- seal required when, 18-2-114, 18-2-122

Architecture, policy of state, 18-2-111

Art works, funding of protection, 15-35-108

Bids, See **Administration, Department of; Construction**

Blind persons, operation of vending facilities, See **BLIND OR VISUALLY HANDICAPPED PERSONS, Vending facilities**

Building program, See **Long-range building program**

Capitol Building and Planning Committee, See **CAPITOL BUILDING AND PLANNING COMMITTEE**

CAPITOL AND OTHER STATE BUILDINGS (Continued)

Coal severance tax, allocation of revenue, 15-35-108
Constitutional conventions to be held at, 13-26-106
Construction
  acceptance upon completion, 18-2-103
  acts of God, effect, 18-2-312
  architects, See **Architects**
  authorization, 18-2-102
  bids
    additional restricted when, 18-2-311
    advertisement required when, 18-2-103, 18-2-301
    competitive, requirement, 18-2-301
    generally, 18-2-103
    letting, timing, 18-2-104
    nonacceptance, 18-2-301
    number required, 18-2-103
    preference to Montana labor, 18-2-403
    required when, 17-5-603, 17-5-613, 18-2-103
    security, 18-2-302
  consent, 18-2-102
  contracts, See also **PUBLIC CONTRACTS**, generally
    amount withheld when, 18-2-404
    approval, 18-2-404
    awarding, generally, 18-2-103, 18-2-301
    discrimination prohibited, 18-2-403, 49-3-207
    encumbrance when, 17-7-302
    federal funds, involving, 18-2-313, 18-2-403
    invalid when, 18-2-314
    preference to Montana labor, 18-2-403
    state purchasing, effect on, 18-2-315
    time extension, additional bids restricted, 18-2-311
  cost-plus system, validity, 18-2-314
  definitions, 18-2-101, 18-2-103, 18-2-401
  delays, 18-2-311, 18-2-312
  engineers, consulting, See **Engineers, consulting**
  engineers or land surveyors, See **Engineers or land surveyors**
  federal funding, 18-2-102, 18-2-105
    contracts involving, 18-2-313, 18-2-403
  injunction issued when, 18-2-408
  long-range building program, See **Long-range building program**
  priorities, 18-2-104
  safety codes and state laws, compliance, 18-2-108
  scheduling of state program, 18-2-104
  supervision, 18-2-103, 18-2-105, 18-2-111, 18-2-121
  university system, See **UNIVERSITY SYSTEM**
  violations and penalty, 18-2-408
Contractors, See **PUBLIC CONTRACTORS**
Contracts, See **Construction**; See also **PUBLIC CONTRACTS**, generally
Custodial care, 2-17-111
Damage to, 2-17-105
Definitions, 18-2-101, 18-2-401
Emergency
  relocation, 10-3-607
  repairs or alterations, 18-2-102
Employment security, See **BOND ISSUES, PUBLIC**, **Employment security building bonds**
Engineers, consulting
  appointment, 18-2-112
  inspections by, supervision, 18-2-105, 18-2-111
Engineers or land surveyors
  seal required when, 18-2-122
  supervision by, 18-2-121

CAPITOL AND OTHER STATE BUILDINGS (Continued)

Examiners, Board of
- architects, approval of appointment, 18-2-112, 18-3-102
- bids, advertising requirements, 18-2-301
- construction
  - approval required when, 18-2-103
  - duties generally, 18-2-103
- engineers, consulting — approval of appointment, 18-2-112

Federal funding
- contracts involving, 18-2-313, 18-2-403
- planning funds, contracts for, 18-2-105
- university system, See **UNIVERSITY SYSTEM, Facilities, construction**

Fire protection, 2-17-112

Funding, See generally **Federal funding**; **Long-range building program**; See also **BOND ISSUES, PUBLIC**, generally

Governor-elect, office space for, 2-15-221

Grants for cultural and aesthetic projects, 22-3-112

Highway complex
- bonds, See **BOND ISSUES, PUBLIC, Highway general obligation bonds**
- completion, allocation of old building, 2-17-106

Improvements, 2-17-111, 5-17-102, 17-5-422

Inspections
- administration, department of, 18-2-103
- architects, 18-2-105
- engineers, consulting, 18-2-105

Insurance
- deductible plan, establishment, 2-17-104
- proceeds from indemnification, use, 2-17-105

Inventory, 18-2-105

Land grant, revenue from, 18-2-107

Landscape architects, See **LANDSCAPE ARCHITECTURE AND ARCHITECTS**

Law library, See **LAW LIBRARY**

Leases
- approval required when, 18-3-105
- architect, appointment, 18-3-102
- authorization, 18-3-101
- awarding, 18-3-103
- bids, 18-3-103, 18-3-105
- compliance with safety codes and state laws, 18-2-108
- contract provisions, 18-3-104
- lewis and clark county, within, 18-2-105
- location of building, 18-3-105
- option to purchase, 18-3-104
- rent payments, 18-3-107
- security pledge, 18-3-106

Legislative chambers and committee rooms, 5-17-102

Lewis and Clark County, within, 18-2-105

Livestock, Department of — allocation of building space for, 2-17-106

Long-range building program
- administration, department of — submission to, 17-7-202
- bonds for, See **BOND ISSUES, PUBLIC**
- budget, inclusion of recommendations, 17-7-123, 17-7-204
- capital construction budget, 17-7-203
- definitions, 17-5-401, 17-7-201
- financing for, See **BOND ISSUES, PUBLIC**
- improvements, 17-5-422
- leases with option to purchase, See **Leases**, generally
- preparation, 17-7-202, 18-2-111
- priority listing, 17-7-204
- submission
  - to department of administration, 17-7-202
  - to legislature, 17-7-203

Maintenance, 2-17-111

CAPITOL AND OTHER STATE BUILDINGS (Continued)

Master plan, 5-17-102
Natural Resources and Conservation, Department of — allocation of building space for, 2-17-106
Office space, 2-15-121, 2-15-221, 2-17-101, 2-17-106, 5-17-102
Press room, 2-17-103
Property damage, 2-17-105
Purchase, See **Leases**, generally
Relocation, emergency, 10-3-607
Remodeling, 2-17-111, 5-17-102, 17-5-422
Rental, See **Leases**, generally
Repairs, 2-17-111, 5-17-102
Replacement, 2-17-105, 2-17-111, 5-17-102
Safety codes, compliance, 18-2-108
State building program, scheduling, 18-2-104
University system, See **UNIVERSITY SYSTEM**
Vending facilities, See **BLIND OR VISUALLY HANDICAPPED PERSONS**
Veterans and Pioneers Memorial Building, See **HISTORICAL SOCIETY**
Visually handicapped persons, rights respecting, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Warehouses, 2-17-102, 2-17-201

CAPITOL BUILDING AND PLANNING COMMITTEE

Appointment, 5-17-101
Compensation and expenses, 5-17-104
Composition, 5-17-101
Function, 5-17-102
Meetings, 5-17-101
Report by, 5-17-103

CAPSULES

See **JURIES AND JURORS**

CARCASSES

See **DEAD ANIMALS**

CARD GAMES ACT, Title 23, chapter 5, part 3

See **GAMBLING, Card games**

CARE, DUTY OF

See **OBLIGATIONS; PERSONAL PROPERTY; TORTS**

CARELESS DRIVING

See **TRAFFIC REGULATIONS**

CARIBOU

See **FISH AND WILDLIFE, Game animals**, generally

CARRIERS

Agents and employees, free or reduced rates, 69-11-109, 69-11-208
Air carriers, See **AERONAUTICS**
Alcoholic beverages, See **ALCOHOLIC BEVERAGES**

CARRIERS (Continued)

Baggage, See **Passenger carriers**
Bills of lading, See also **DOCUMENTS OF TITLE**
  acceptance, effect, 69-11-105
  freightage, apportionment by, 69-11-408
Blanket disability insurance, See **INSURANCE — DISABILITY**
Blind persons as passengers, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Breach of obligations, 69-11-121
Care, general duty of, 69-11-107
Cigarette shipments, report requirements, 16-11-104
Coal, confiscation — unlawful, 69-11-108
"Common carrier" defined, 69-11-101
Compensation, right to, 69-11-104
Confiscation of coal or fuel unlawful, 69-11-108
Consumer Counsel fees, See **CONSUMER COUNSEL, Regulated companies**
Contract of carriage
  acceptance, effect, 69-11-105
  defined, 69-11-101
  freightage, apportionment by, 69-11-408
Cosmetics, inspection of vehicles when introducing in commerce, 50-31-106
Damages
  breach of obligation, effect, 69-11-121
  confiscation of coal or fuel, for, 69-11-108
  freight carriers, by, See **Freight carriers**, loss, damage, or injury to property
  message carriers, from, 69-11-303
Definitions, 69-11-101, 69-11-207, 69-11-401, 69-11-422, 69-11-423
Deposit for hire, See **BAILMENT AND BAILEES, Storage**
Detriment caused by, See **Damages**
Documents of title, See **DOCUMENTS OF TITLE**
Drugs
  inspection of vehicle when introducing in commerce, 50-31-106
  precursors, report of loss or theft, 50-32-404
  registration requirements, exemption, 50-32-302
  violations, forfeiture of vehicle, 44-12-102
Duty of care, 69-11-107
Employees, See **Agents or employees**
Equipment on, See **MOTOR VEHICLE EQUIPMENT**, generally
Explosives, See **EXPLOSIVES, Transportation; MOTOR VEHICLE EQUIPMENT, Explosives, vehicles carrying**
Fares for passengers, See **Passenger carriers**
Fish or wildlife
  endangered, transporting or receiving for shipment unlawful when, 87-5-106, 87-5-107
  free or reduced rates for transporting fish, 69-11-109
  sale or shipment, unlawful when, 87-1-102, 87-3-115
  shippers, package labeling, 87-1-102, 87-3-114
Food, inspection of vehicle when introducing in commerce, 50-31-106
Free transportation, when, 69-11-109, 69-11-207, 69-11-208
Freight carriers, See also **MOTOR CARRIERS**, generally; **MOTOR VEHICLE EQUIPMENT**, generally; **MOTOR VEHICLES, Gross vehicle weight fees; Size, weight, and load**
  bills of lading, freightage apportioned by, 69-11-408
  care, general duty of, 69-11-107
  claims for damages
    examination charge, inclusion, 69-11-424
    filing period, 69-11-425
    processing, 69-11-426
  consignee
    damaged shipments, request for inspection, 69-11-424
    defined, 69-11-401
    relationship to, 69-11-402
  consignor
    defined, 69-11-401
    relationship to, 69-11-402

CARRIERS (Continued)

Freight carriers (Continued)
- contract, freightage apportioned by, 69-11-408
- damage to property, See loss, damage, or injury to property
- definitions, 69-11-401, 69-11-422, 69-11-423
- delays, 69-11-428
- "delivering carrier" defined, 69-11-423
- duty of care, 69-11-107
- fines, 69-11-412
- freight
  - acceptance of, 69-11-403
  - defined, 69-11-401
  - delivery, 69-11-404, 69-11-409
  - freightage, effect of increase upon, 69-11-407
- freightage
  - apportionment, 69-11-408
  - defined, 69-11-401
  - delivery changes, effect, 69-11-409
  - increase of freight, effect on, 69-11-407
  - lien for, 69-11-410
  - payment, 69-11-406
  - perishable property sold for, 69-11-411
- inland carriers, liability, 69-11-421, 69-11-422
- liability
  - between carriers, 69-11-427
  - delay, for, 69-11-428
  - inland carriers, 69-11-421, 69-11-422
  - limitations, 69-11-422
  - termination, procedure for, 69-11-405
  - valuable cargo, for, 69-11-429
- lien, 69-11-410, 69-11-411
- loss, damage, or injury to property
  - carriers, liability between, 69-11-427
  - claims for, 69-11-424 — 69-11-426
  - examination for, 69-11-424
  - inland carriers, liability, 69-11-421
  - limitations on liability, 69-11-422
- livestock, 69-11-422
- perishable property, 69-11-411
- rates
  - free or reduced, 69-11-109
  - joint, distribution, 69-11-412
- tariffs, 69-11-421, 69-11-422
- valuable cargo, 69-11-429

Fuel, confiscation — unlawful, 69-11-108

Gratuitous carriers, 69-11-106

Gross vehicle weight fees, See **MOTOR VEHICLES**

Hazardous substances, inspection of vehicles and records when receiving in commerce, 50-30-108

Inland carriers, See **Freight carriers**

Inspections when carrying
- cosmetics, 50-31-106
- drugs, 50-31-106
- food, 50-31-106
- hazardous substances, 50-30-108

Insurance, blanket disability, See **INSURANCE — DISABILITY**, **Blanket disability**

Interstate or international, See **MOTOR CARRIERS**, generally; **MOTOR VEHICLE EQUIPMENT**, generally; **MOTOR VEHICLES**, **Gross vehicle weight fees**; **Size, weight, and load**

Liability, 69-11-105
- freight carriers, See **Freight carriers**

Lien of, 30-7-307, 30-7-308, See also **DOCUMENTS OF TITLE**
- baggage, on — when, 69-11-206
- freightage, for, 69-11-410

CARRIERS (Continued)

Livestock, See **LIVESTOCK**
Loads, See **MOTOR VEHICLES, Size, weight, and load**, generally
Message carriers
  care, general duty of, 69-11-107
  damages for refused or delayed messages, 69-11-303
  delivery of messages, 69-11-301
  duty of care, 69-11-107
  order of transmission of messages, 69-11-302
  requirements, 69-11-301
  valuable letters, loss of, 69-11-304
Motor carriers, See **MOTOR CARRIERS**; See also **MOTOR VEHICLE EQUIPMENT**, generally; **MOTOR VEHICLES, Gross vehicle weight fees; Size, weight, and load**
Obligations
  agreements, effect of, 69-11-105
  breach, 69-11-121
Officers, free or reduced rates, 69-11-208
Passenger carriers, See also **MOTOR CARRIERS**, generally
  alcoholic beverages, See **ALCOHOLIC BEVERAGES, Carriers**
  baggage, 69-11-204
    liability of carrier, nonapplicability, 69-11-422
    lien upon, 69-11-206
  blanket disability insurance, See **INSURANCE — DISABILITY**
  care, general duty of, 69-11-107
  fares, payment, 69-11-205
    lien for, 69-11-206
    not required when, 69-11-209
  free transportation, 69-11-109, 69-11-207, 69-11-208
  passengers
    baggage, 69-11-204, 69-11-206
    ejection, 69-11-209
    transport of, 69-11-203
    treatment, 69-11-201
  penalties
    free transportation, violation of provisions, 69-11-207
    scheduled time, failure to start at, 69-11-202
  rates, free or reduced, 69-11-109, 69-11-207, 69-11-208
  requirements, 69-11-201
  rules by, 69-11-203
  schedules, establishment and notice, 69-11-202
  speed, 69-11-201
  tickets, reduced rates, 69-11-109, 69-11-207, 69-11-208
  vehicles, requirements, 69-11-201, 69-11-203
  violations, 69-11-207
Pipeline carriers, See **PIPELINE CARRIERS**
Preferential treatment, restrictions, 69-11-102
Property carriers, See **Freight carriers**
Public Service Commission, See also **PUBLIC SERVICE COMMISSION**
  freight carriers
    division of joint rates, 69-11-412
    examination charges, 69-11-424
  regulation and supervision by, 69-1-102
Railroads, See **RAILROADS**
Rate cases, general provisions, See **PUBLIC SERVICE COMMISSION**
Rates
  free or reduced, when, 69-11-109, 69-11-207, 69-11-208
  freight carriers, See **Freight carriers**
Regulation, 69-1-102, See also generally **PUBLIC SERVICE COMMISSION**
Rights
  agreements, effect of, 69-11-105
  compensation, to, 69-11-104
Schedules
  passenger carriers, establishment and notice, 69-11-202
  time, 69-11-103

CARRIERS (Continued)

School buses, See **SCHOOL TRANSPORTATION, Buses; TRAFFIC REGULATIONS**
Securities registration, exemption, 30-10-104
Size, See **MOTOR VEHICLES, Size, weight, and load**, generally
Storage of property, See **BAILMENT AND BAILEES; DOCUMENTS OF TITLE, Warehouse receipts, special provisions**
Supervision, 69-1-102, See also generally **PUBLIC SERVICE COMMISSION**
Tariffs, See **Freight carriers**
Tickets
  acceptance, effect, 69-11-105
  rates, reduced, 69-11-109, 69-11-207, 69-11-208
Time schedules, 69-11-103
  failure to start on time, 69-11-202
Tramways, excluded as, 23-2-703
Unclaimed property, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
Violation, 69-11-108
Visually handicapped persons as passengers, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Weight, See **MOTOR VEHICLES, Size, weight, and load**, generally

CARS

See **MOTOR VEHICLES**, generally

CASUALTY INSURANCE

See **INSURANCE — CASUALTY**; See also **INSURERS — FARM MUTUAL**

CATTLE AND CATTLE GROWERS

See **LIVESTOCK**, generally

CATTLE GUARDS

See **HIGHWAYS; RAILROADS, Livestock**

CATTLE PROTECTIVE DISTRICTS

See **LIVESTOCK PROTECTIVE ASSOCIATIONS**

CAUSES OF ACTION

See **ACTIONS**, generally

CEMENT DEALERS AND PRODUCERS

Measuring provisions, 30-12-301
Taxation, See **TAXATION**

CEMENT MIXERS

See **MOTOR VEHICLES, Gross vehicle weight fees; Special mobile equipment**, generally

CEMETERIES

See also **MAUSOLEUMS AND COLUMBARIUMS**

Associations
  acknowledgments, certificate of incorporation, 35-20-103

CEMETERIES (Continued)

Associations (Continued)
- actions, association power, 35-20-104
- annual elections, 35-20-102, 35-20-203 — 35-20-206
- annual reports, 35-20-207, 35-20-307, 35-20-315
- applicability of laws
  - corporation law, 35-20-104
  - mausoleum-columbarium law, 35-21-103
  - mausoleums and columbariums, 35-21-403
- bylaws
  - adoption, 35-20-202
  - annual election, provisions, 35-20-205
- clerk of the district court, duties, See **CLERK OF THE DISTRICT COURT**
- county attorney as legal advisor, 35-20-207
- county clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
- eminent domain, 35-20-104
- existence, commencement, 35-20-104
- financial capability, 35-20-201
- first meeting, 35-20-101
- incorporation
  - documents, 35-20-103, 35-20-104
  - procedure, 35-20-101, 35-20-104
- legal advisor, 35-20-207
- local government approval, 35-20-201
- map, 35-20-212
- meetings, 35-20-101
- membership, 35-20-101, 35-20-103, 35-20-203
- name
  - certificate of incorporation, statement in, 35-20-103
  - selection, 35-20-101
- need, demonstration, 35-20-201
- notices
  - election, 35-20-205, 35-20-206
  - trustees, appointment, 35-20-307
- permanent care and improvement fund
  - annual report, 35-20-307, 35-20-315
  - bank selection, 35-20-302
  - income, disposition, 35-20-311, 35-20-312
  - investment, 35-20-313
  - principal, reserved, 35-20-311
  - records, 35-20-308, 35-20-309
  - required, 35-20-301
  - title, 35-20-302, 35-20-306
  - transfers of association money, 35-20-310
  - trust company, selection, 35-20-302
- powers generally, 35-20-104
- property
  - acquisition, 35-20-212, 35-20-214, 35-20-215
  - eminent domain, 35-20-104
  - gifted property, 35-20-215
  - inalienability of lots, 35-20-216
  - maintenance, 35-20-214, 35-20-215, 35-20-301, 35-20-312
  - release, 35-20-216
  - sale of lots, 35-20-213, 35-20-214, 35-20-216
  - survey, 35-20-212
- purposes, 35-20-101
- records, 35-20-209 — 35-20-211, 35-20-308, 35-20-309
- release of property, 35-20-216
- sale of lots, 35-20-213, 35-20-214, 35-20-216
- secretary, duties, 35-20-209 — 35-20-211, 35-20-309
- secretary of state, duties, See **SECRETARY OF STATE**
- streets and roads, construction, 35-20-212, 35-20-217
- treasurer, bond, 35-20-208

CEMETERIES (Continued)

Associations (Continued)
  trustees, association
    annual report, 35-20-207
    classification, 35-20-102
    compensation of fund trustees, approval, 35-20-314
    election, 35-20-101, 35-20-102, 35-20-203 — 35-20-206
    incorporation documents, statements in, 35-20-103
    investment approval, 35-20-313
    number, 35-20-101
    officers, appointment, 35-20-208
    powers, 35-20-208
    property layouts by, 35-20-212
    qualifications, 35-20-205
    quorum, 35-20-208
    term of office, 35-20-102, 35-20-204, 35-20-206
    treasurer, bond, 35-20-208
  trustees, permanent care and improvement fund
    annual report by, 35-20-307, 35-20-315
    appointment, 35-20-302, 35-20-307, 35-20-308
    bond, 35-20-304
    compensation, 35-20-314
    number, 35-20-302
    powers, 35-20-302, 35-20-307
    removal, 35-20-304
    successors, 35-20-306
    term of office, 35-20-303
    transfer of funds, authority, 35-20-310
    vacancies, 35-20-302, 35-20-305, 35-20-306
  vacancies in membership, 35-20-203
  water, gratuitous, 35-20-215
Autopsy, exhumation of body for, 46-4-103
Burial permits, 50-15-114, 50-15-405, 50-15-406
Cadavers, burial by medical school, 50-21-102
County, Title 7, chapter 35, part 22
Dedication of land, presumption, 26-1-602
Disinterment permit, 50-15-114, 50-15-407
Districts, See **CEMETERY DISTRICTS**
Easements for, 70-17-101, 70-17-102, See also **REAL PROPERTY, Easements**; **STATE LANDS, Easements**
Execution, exemption, 25-13-613
Inscriptions, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Interment
  permission, 35-20-216
  record, 35-20-209 — 35-20-211
Local government provisions, Title 7, chapter 35, part 1
  association approval, 35-20-201
  mausoleum-columbarium authority provisions, applicability, 35-21-103
Mausoleum-columbarium authority provisions, applicability, 35-21-103
Mining operations
  permit area, deletion from, 82-4-227
  reclamation maps, indication on, 82-4-222
Municipal, Title 7, chapter 35, part 41
Records, interment, 35-20-209 — 35-20-211
Sale of lots
  inalienability, 35-20-216
  procedure, 35-20-213
  proceeds, 35-20-214
  when, 35-20-213
Signs, location, 75-15-113
State lands, easements on, See **STATE LANDS, Easements**, generally
Subdivision exemptions, See **SUBDIVISIONS**
Taxation, See **TAXATION**

CEMETERY DISTRICT ACT, Title 7, chapter 35, part 21

See **CEMETERY DISTRICTS**

CEMETERY DISTRICT PERMANENT CARE AND IMPROVEMENT FUND ACT, Title 7, chapter 35, part 21

See **CEMETERY DISTRICTS**

CEMETERY DISTRICTS

Annexation of land, Title 7, chapter 35, part 21
Annual report, 7-35-2150
Boundaries, Title 7, chapter 35, part 21
Budget, Title 7, chapter 35, part 21
Compliance with state laws, 7-35-2124
Creation, See **Petitions**
Elections, Title 7, chapter 35, part 21
Expenditures, 7-35-2125
Fund, See **Permanent care and improvement fund**
Hearings, Title 7, chapter 35, part 21
Permanent care and improvement fund, Title 7, chapter 35, part 21
Petitions, Title 7, chapter 35, part 21
Tax levy, Title 7, chapter 35, part 21
Territory, Title 7, chapter 35, part 21
Trustees, Title 7, chapter 35, part 21

CENSUS

Alcoholic beverages, basis for quota system of licensing, 16-4-502
Capitol, basis for emergency relocation, 10-3-607
Emergencies, capitol relocation, 10-3-607
Gasoline and vehicle fuels license tax allocation, basis for, 15-70-101
Municipal court, basis for establishment, 3-6-101
State capitol, basis for emergency relocation, 10-3-607

CENTER FOR THE AGED

See **AGING AND AGED PERSONS**

CENTRAL AGRICULTURAL RESEARCH CENTER, 20-25-224

See also **MONTANA STATE UNIVERSITY**

CENTRAL COMMITTEES

See **ELECTIONS**, **Political parties**

CENTRAL CREDIT UNIONS, Title 32, chapter 3, part 8

See **CREDIT UNIONS**

CENTRAL PAYROLL SYSTEM

See **STATE AUDITOR**

CEREAL CROPS

See generally **AGRICULTURAL SEEDS; GRAIN**

CEREBRAL PALSY
  See **DEVELOPMENTALLY DISABLED PERSONS**, generally

CERTIFICATES OF DEPOSIT
  See **COMMERCIAL PAPER**, generally

CERTIFIED CHECKS
  See **BANK DEPOSITS AND COLLECTIONS; BANKS AND TRUST COMPANIES; COMMERCIAL PAPER**

CERTIFIED MAIL, 1-1-202
  See also **MAIL**, generally

CERTIFIED PUBLIC ACCOUNTANTS
  See **ACCOUNTANTS**

CERTIFIED SHELTERED WORKSHOPS
  See **SHELTERED WORKSHOPS**

CERTIORARI, WRIT OF
  See **WRITS**

CESSPOOLS, SEPTIC TANKS, AND PRIVIES

Cleaners' licensing
  applications, 37-41-201
  denial, suspension, or revocation, 37-41-211
  discrimination in issuance prohibited, 49-3-204
  enforcement, 37-41-212
  exemptions from provisions, 37-41-102
  expiration, 37-41-202
  fees, 37-41-202
  noncompliance with provisions, 37-41-211, 37-41-212
  nontransferability, 37-41-202
  numbering, 37-41-202
  required, 37-41-101
  validation, 37-41-101, 37-41-204
  vehicle, marking, 37-41-203
Cleaning, 37-41-102, 37-41-204
Disposal of wastes from, 37-41-102, 37-41-204
Failure to cover or fence, unlawful, 45-8-113
Health and Environmental Sciences, Department of
  cleaning, rules for, 37-41-102
  licenses for cleaners
    applications, 37-41-201
    denial, suspension, or revocation, 37-41-211
    fees, 37-41-202
    issuance, 37-41-101, 37-41-202
  rules by, 37-41-102, 37-41-103, 37-41-201, 37-41-211
Health officers, local
  enforcement of provisions, 37-41-212
  licenses for cleaners
    application forms, 37-41-201
    validation, 37-41-101, 37-41-204

CESSPOOLS, SEPTIC TANKS, AND PRIVIES (Continued)

Pumpings from, See **SOLID WASTE MANAGEMENT**, generally
Sanitarians
  enforcement of provisions, 37-41-212
  licenses for cleaners
    application forms, 37-41-201
    validation, 37-41-101, 37-41-204
Vehicle of licensee, marking, 37-41-203
Violation of licensing provisions, 37-41-212

CHAIN DISTRIBUTOR SCHEMES

  Unlawful, 45-6-319

CHAIN STORES

  See **RETAIL ESTABLISHMENTS; TAXATION, Stores**

CHALLENGES

  See **ELECTIONS; JURIES AND JURORS**

CHANGE OF NAME

  See **NAMES**

CHANGE OF VENUE

  See **VENUE**

CHAPLAINS

  See **CLERGY**, generally

CHARACTER EVIDENCE

  See **EVIDENCE**

CHARGE

  See **CRIMINAL PROCEDURE**

CHARGE ACCOUNTS

  See **CREDIT TRANSACTIONS, Credit cards; Retail installment sales**

CHARITIES

Corporate contributions to, 35-1-108, 35-2-107, 35-3-205
Debt adjustment by, 31-3-203
Food, donated — liability when unfit for human consumption, 27-1-716
Freight transportation, free or reduced rates, 69-11-109
Funds, management, 72-30-102, See **TRUSTS AND TRUSTEES, Institutional funds**
Mausoleum-columbarium trust funds as, 35-21-614, 35-21-623
Motor vehicles, special fuel courtesy vehicle permit to nonresidents, 15-70-302
Nonprofit corporations, contributions, 35-2-107, 35-3-205
Passenger transportation, free or reduced rates, 69-11-208
Personal solicitation sales, exemption, 30-14-503

CHARITIES (Continued)

Private investigators and patrol operators, nonapplicability of licensing provisions, 37-60-105
Raffles to benefit, 23-5-413
Religious corporations, contributions, 35-3-205
Securities registration, exemption, 30-10-104
Sheltered workshops, as, 53-7-202, See **SHELTERED WORKSHOPS**
Taxation, See **TAXATION**
Trusts, taxation, See **TAXATION**

CHARTER GOVERNMENT

See **LOCAL GOVERNMENT, Charter form**

CHATTEL PAPER

See also **SECURED TRANSACTIONS**

Installment contract as, 31-1-202

CHATTEL PROPERTY

See **PERSONAL PROPERTY; REAL PROPERTY, Chattels real**

CHAUFFEURS' LICENSES

See **DRIVERS' LICENSES**

CHECKING STATIONS

See **FISH AND WILDLIFE; HIGHWAYS, Ports-of-entry and checking stations**

CHECKS

See also **BANK DEPOSITS AND COLLECTIONS; COMMERCIAL PAPER; SECURED TRANSACTIONS**

Bad checks, issuing unlawful, 45-6-316
Gambling with, prohibited, 23-5-314, 23-5-417, 23-5-505
Statute of limitations on, 27-2-213
Unclaimed, sums payable on, See **PERSONAL PROPERTY, Unclaimed or abandoned property**

CHEESE AND CHEESE FACTORIES

See **DAIRIES AND DAIRY PRODUCTS**

CHEMIST SHOPS

See **PHARMACY AND PHARMACISTS**

CHERRIES

See generally **HORTICULTURE, Grades and brands; Orchards**

CHEWING GUM, 50-31-103, 50-31-202

See also **FOOD AND FOOD PRODUCTS**, generally

CHIEF JUSTICE OF THE SUPREME COURT

See **SUPREME COURT, Chief justice; Justices**

CHIEFS OF POLICE

See **POLICE**

CHILD ABUSE

See **MINORS**, **Abused, neglected, and dependent children**

CHILD CUSTODY

Abandonment as evidence of custodial relinquishment, when, 40-6-235
Abused, neglected, and dependent children, See **MINORS**, **Abused, neglected, and dependent children**; See also **YOUTH COURT**, generally
Action for when no dissolution of marriage, 40-4-213, 40-6-223
Adoption of children, See **ADOPTION**
Affidavits required when, 40-4-213, 40-4-219, 40-4-220
Alimony, custody as consideration for, 40-4-203
Annulment decree, applicability when, 40-1-402
Attorneys
  fees, 40-4-110, 40-4-205
    modification of custody decree, 40-4-219
    waived when, 40-4-205
  report concerning investigation of child, copy to, 40-4-215
  representation of child when, 40-4-205, 40-4-214
Award for, when no dissolution of marriage, 40-6-224
Background of child, investigation and reports thereof, 40-4-215
Battered children, See **MINORS**, **Abused, neglected, and dependent children**
Children
  appearance with parties when, 40-7-112, 40-7-120, 40-7-121
  consent of child required when, 40-4-215
  interests of, consideration, 40-4-212, 40-4-214
  interviews with, when, 40-4-214
  residence, See **Residence of child**
  welfare, investigation and report thereof, 40-4-215
  wishes respecting custody and visitation, consideration, 40-4-212, 40-4-214
Commencement of proceedings, 40-4-211
Conciliation court, jurisdiction when, 40-3-111, 40-3-127
Confidentiality of hearings and records, 40-4-216
Conflict of laws, avoidance, See **Uniform Child Custody Jurisdiction Act**, generally
Consent of child required for investigations when, 40-4-215
Contested proceedings, 40-4-215
Cooperation with other states, See **Uniform Child Custody Jurisdiction Act**
Costs of proceedings, 40-4-216, 40-7-108, 40-7-109, 40-7-112, 40-7-120
County attorney to have when, 41-5-302
County custody when, 41-3-302, 41-5-302
County welfare department
  authority for custody when, 41-3-302
  supervision by, when, 40-4-218
Court
  conciliation, jurisdiction when, 40-3-111, 40-3-127
  district
    joint custody awards, 40-4-222 — 40-4-224
    jurisdiction, 40-4-211, 40-7-108
  interviews with child, 40-4-214
  role of, 40-4-216
Court calendar, precedence respecting hearings, 40-4-216, 40-7-125
Criteria for determination, 40-4-212, 40-6-130
Custodial interference, 45-5-304
Custodian
  abused children, See **MINORS**, **Abused, neglected, and dependent children**; See also **YOUTH COURT**, generally
  consent by, required when, 40-1-213
  defined, 41-5-103

CHILD CUSTODY (Continued)

Custodian (Continued)
  maintenance, need for during dissolution proceedings, 40-4-203
  residency of child, right to determine, 40-6-231
  right to determine child's upbringing, 40-4-218
Death of parent
  custody determination upon, 40-4-221
  decree modification, effect on, 40-4-219
Declaration of invalidity decree, applicability when, 40-1-402
Decree, See **Modification of decree or temporary orders**
Definitions, 40-4-224, 41-5-103
Delinquent children, See **YOUTH COURT**, generally
Dependent children, See **MINORS, Abused, neglected, and dependent children**; See also **YOUTH COURT**, generally
Determination of, criteria for, 40-4-212, 40-6-130
Dissolution of marriage proceedings
  affidavits required when, 40-4-213, 40-4-219, 40-4-220
  attorneys
    fees
      custody proceedings, 40-4-110
      modification of custody decree, 40-4-219
    representation of child when, 40-4-205, 40-4-214
  child's wishes respecting custody, consideration, 40-4-212, 40-4-214
  commencement of custody proceedings, 40-4-211
  consent of child required for investigations when, 40-4-215
  contested custody proceedings, 40-4-215
  county welfare department, case supervision when, 40-4-218
  criteria for custody determination, 40-4-212
  custodian's right to determine child's upbringing, 40-4-218
  declaration of invalidity decree, applicability, 40-1-402
  decree, dissolution
    provision for custody, effect on, 40-4-104
    supervision when, 40-4-218
  determination of custody, criteria, 40-4-212
  evidence — investigatory reports as, when, 40-4-215
  health record of child investigated when, 40-4-215
  hearings
    affidavits, 40-4-220
    court calendar precedence, 40-4-216
    evidence, 40-4-215
    expenses, payment, 40-4-216
    modification of orders or decree, 40-4-220
    private when, 40-4-216
    records confidential, 40-4-216
    temporary orders, 40-4-213, 40-4-220
    visitation determination, 40-4-217
  interviews with child when, 40-4-214
  investigations when, 40-4-215
  joint custody awards
    criteria, 40-4-223
    intent of provisions, 40-4-222
    order for, denial or modification, 40-4-224
    record concerning child, access to, 40-4-225
  jurisdiction of district court, 40-4-211, 40-7-108
  maintenance, custody as consideration for, 40-4-203
  modification of decree or temporary orders, See **Modification of decree or temporary orders**
  petition for, contents, 40-4-105
  pleadings, 40-1-105, 40-4-103
  privacy of hearings, 40-4-216
  professional personnel
    advice to court respecting children, 40-4-214
    diagnosis of children required when, 40-4-215

CHILD CUSTODY (Continued)

Dissolution of marriage proceedings (Continued)
  property settlement, custody as determination for, 40-4-202
  records
    confidentiality, 40-4-216
    interviews with child as part of, 40-4-214
  reports, substance and use, 40-4-215
  rules of civil procedure, applicability, 40-1-105, 40-4-103
  separation agreement, See **Parents**
  temporary orders, See **Temporary orders**
  visitation, See **Visitation**
  welfare department, See county welfare department
  witnesses, 40-4-214
District court, See **Court**
Divorce, See **Dissolution of marriage proceedings**
Entitlement of parents to, 40-6-221
Father equally entitled to custody, 40-6-221, 40-6-222
Foreign states, See **Uniform Child Custody Jurisdiction Act**
Foster homes, placement in, See **FOSTER HOMES**, generally
Grandparents, visitation, 40-4-217, 40-9-101, 40-9-102
Hearings, See **Dissolution of marriage proceedings**; **Uniform Child Custody Jurisdiction Act**
Homeless children, See **MINORS, Abused, neglected, and dependent children**; See also **YOUTH COURT**, generally
Husband and wife living separate, See **Parents**
Illegitimacy, disclosure of information, 50-15-206
Indigent parents, waiver of fees when, 40-4-205
Institutions, custodial care by, See generally **FOSTER HOMES; YOUTH DETENTION FACILITIES; YOUTH GUIDANCE HOMES**
Institutions, Department of — custody transferred to, 41-5-205, 41-5-403, 41-5-523
Interference unlawful, 45-5-304
International cooperation, See **Uniform Child Custody Jurisdiction Act**
Interstate Compacts
  juveniles, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
  placement of children, Title 41, chapter 4, See **MINORS, Interstate Compact on the Placement of Children**
Interviews with child when, 40-4-214
Investigations when, 40-4-215
Joint custody awards, See **Dissolution of marriage proceedings**
Judge, See **Court**
Jurisdiction
  conciliation court, when, 40-3-111, 40-3-127
  declined when, 40-7-102, 40-7-107 — 40-7-109
  district court, requirements, 40-4-211, 40-7-108
  forum, inconvenient
    communications respecting, 40-7-117
    determination, 40-7-108
  generally, 40-7-104
  priority, 40-7-125
  requirements for, 40-4-211
  simultaneous proceedings in other states, effect, 40-7-107
  submission to, 40-7-106
Juveniles, Interstate Compact on, Title 41, chapter 6, See **MINORS**
Kidnapping as custodial interference, 45-5-304
Law enforcement officers, See **Peace officers**
Legal separation, custody following, See **Dissolution of marriage proceedings**, generally
Maintenance, custody as consideration for, 40-4-203
Medical personnel, diagnosis of children required when, 40-4-215
Modification of decree or temporary orders
  affidavit requirements, 40-4-213, 40-4-220, 40-4-219
  criteria, 40-4-219
  death of parent, effect, 40-4-219
  decree when no dissolution of marriage, 40-6-223

CHILD CUSTODY (Continued)

Modification of decree or temporary orders (Continued)
  grounds for, 40-4-219
  jurisdiction of district court, 40-6-118
  out-of-state decree, 40-7-115
  paternity actions, judgment or order for custody — modification, 40-6-118
  visitation rights, 40-4-217
Mother equally entitled to custody, 40-6-221, 40-6-222
Neglected children, See **MINORS**; **Abused, neglected, and dependent children**; See also **YOUTH COURT**, generally
Noncustodial parent, access to records, 40-4-225
Notice of proceedings, 40-4-211
Parents
  abuse of children, See **MINORS**, **Abused, neglected, and dependent children**; See also **YOUTH COURT**, generally
  defined, 41-5-103
  entitlement to custody, 40-6-221, 40-6-222, 40-6-224
  liability respecting child's employment, 41-2-111
  living separate, custody of children, 40-4-222 — 40-4-225, 40-6-222 — 40-6-224
  residence of child, right to determine, 40-6-231
  separation of
    agreement, provisions and affect of, 40-4-201
    earnings and accumulations of parents, liability for debts incurred for necessaries when, 40-2-206
    legal, custody of children during, 40-4-222 — 40-4-225, 40-6-222 — 40-6-224
Parties to proceedings, See **Uniform Child Custody Jurisdiction Act**
Paternity actions
  custody awarded through, 40-6-116, 40-6-125, 40-6-130
  dependency or neglect petition, filed when, 40-6-125
  determination of custody, 40-6-127 — 40-6-130
  expected child, father's rights, 40-6-127
  modification of custody order, 40-6-118
  putative father's rights respecting custody, 40-6-128
  relinquishment of custody when, 40-6-132 — 40-6-134
Peace officers
  release of child, 41-5-307
  taking child into custody when, 41-5-302
Physicians
  custody by, when, 41-5-302
  diagnosis of children required when, 40-4-215
Placement of Children, Interstate Compact on, Title 41, chapter 4, See **MINORS**
Pleadings, 40-1-105, 40-4-103
Preference to either parent when, 40-6-221, 40-6-222
Privacy of hearings and records, 40-4-216
Probation officers — child taken into custody by, when, 41-5-703
Professional personnel
  advice to court respecting children, 40-4-214
  diagnosis of children required when, 40-4-215
  joint custody plans, implementation, 40-4-224
Psychiatrists or psychologists, diagnosis of children required when, 40-4-215
Records of proceedings
  certified copies required when, 40-7-120, 40-7-121, 40-7-123
  confidentiality, 40-4-216
  interviews with child as part of, 40-4-214
  preservation, 40-7-122
Records pertaining to child, access by noncustodial parent, 40-4-225
Relinquishment when, 40-6-125, 40-6-128, 40-6-132 — 40-6-134, 40-6-235, 41-3-102
Reports respecting, substance and use, 40-4-215
Residence of child
  court determination when, 1-1-215
  parental right to determine, 1-1-215, 40-6-231
  shared by parents when, 40-4-224
  requirement for commencement of proceedings, 40-4-211

CHILD CUSTODY (Continued)

Rules of civil procedure, applicability, 40-1-105, 40-4-103
Runaways, return of, Title 41, chapter 6, See **MINORS**, **Interstate Compact on Juveniles**
Separate custody, awarding when, 40-4-223
Separation agreement, provisions not binding when, 40-4-201
Separation of parents, See **Parents**
Social and Rehabilitation Services, Department of — custody of child when, 41-3-302, 41-3-403, 41-3-406, 41-5-302
Social studies made when and copies thereof, 40-7-120 — 40-7-123
State custody when
  abused, neglected, or dependent children, 41-3-302, 41-3-403, 41-3-406
  paternity proceedings, during, 40-6-125, 40-6-130, 40-6-134
  youth in need of care, 41-5-302
Support enforcement proceedings, effect, 40-5-112, 40-5-124, 40-5-131
Temporary orders
  affidavit requirements, 40-4-213, 40-4-220
  issuance when, 40-4-213
  modification, See **Modification of decree or temporary orders**
  vacated when, 40-4-213
Testimony, 40-7-119, 40-7-121
Transfer of
  abused or neglected children, 41-3-403, 41-3-406
  dependent children, 41-3-406
  estate or assets of child also transferred when, 41-3-406
  institutions, department of — to, 41-5-403, 41-5-523
  private agencies, to, 41-5-804
Uniform Child Custody Jurisdiction Act
  child, appearance with parties when, 40-7-112, 40-7-120, 40-7-121
  citation, 40-7-101
  construction, 40-7-102
  custody proceedings
    costs, how payable, 40-7-108, 40-7-109, 40-7-112, 40-7-120
    court calendar, precedence, 40-7-125
    defined, 40-7-103
    dismissed when, 40-7-108
    documents
      certified copies required when, 40-7-122, 40-7-123
      preservation, 40-7-122
    information exchanged by courts when, 40-7-102, 40-7-107, 40-7-108, 40-7-120, 40-7-123
    out-of-state proceedings, registry, 40-7-117
    pendency in other state, 40-7-107
      communications regarding, 40-7-117
    petition dismissed when, 40-7-109
    priority, 40-7-125
    registry of out-of-state proceedings, 40-7-107, 40-7-117
    simultaneous, in other states, 40-7-107
    stayed, when, 40-7-107, 40-7-108
    testimony taken in other states, 40-7-119
  decrees
    certified copies, 40-7-117, 40-7-118, 40-7-122, 40-7-123
    defined, 40-7-103
    legal effect, 40-7-113
    modification, out-of-state decrees, 40-7-115
    out-of-state decrees
      enforcement, 40-7-102, 40-7-114, 40-7-116
      filing, 40-7-116
      modification, 40-7-115
      recognition, 40-7-114
      registry, 40-7-117
      violations, effect on person committing, 40-7-116
    petitioners, effect of reprehensible conduct, 40-7-109
    preservation of documents, 40-7-122

CHILD CUSTODY (Continued)

Uniform Child Custody Jurisdiction Act (Continued)
- decrees (Continued)
  - registry of out-of-state decrees, 40-7-117
  - violations of out-of-state decrees, 40-7-116
- definitions, 40-7-103
- foreign states
  - assistance to courts, 40-7-121
  - decrees, See decrees, out-of-state decrees
  - documents, certified copies, 40-7-122, 40-7-123
  - hearings requested when, 40-7-120
  - notice and opportunity to be heard for persons in, 40-7-106, 40-7-111, 40-7-112
  - simultaneous proceedings, 40-7-107
  - social studies made when, 40-7-120, 40-7-121
  - testimony of persons in, 40-7-119
- forum, See jurisdiction of courts
- hearings
  - opportunity to be heard, 40-7-105, 40-7-106
  - out-of-state, requested when, 40-7-120
  - parties' appearance ordered when, 40-7-121
  - records, certified copies, 40-7-120, 40-7-121, 40-7-123
  - simultaneous, in other states, 40-7-107
- information
  - exchanged by courts when, 40-7-102, 40-7-107, 40-7-108, 40-7-120, 40-7-123
  - submitted under oath, 40-7-110
  - supplied by parties, 40-7-107, 40-7-110
- international application, 40-7-124
- jurisdiction of courts
  - court calendar, precedence, 40-7-125
  - decline
    - by court of this state, when, 40-7-102, 40-7-107, 40-7-108
    - by reason of petitioner's conduct, 40-7-109
    - inconvenient forum, finding of, 40-7-108
  - forum, inconvenient
    - communications respecting, 40-7-117
    - determination, 40-7-108
  - generally, 40-7-104
  - priority, 40-7-125
  - simultaneous proceedings in other states, effect, 40-7-107
  - submission to, 40-7-106
- notice and procedures, 40-7-105, 40-7-106, 40-7-111, 40-7-112
- parties to proceedings
  - additional, joinder when, 40-7-111
  - appearance, 40-7-112, 40-7-120, 40-7-121
  - child to appear with, when, 40-7-112, 40-7-120, 40-7-121
  - conduct, reprehensible — effect, 40-7-109
  - costs of proceedings and expenses payable by, when, 40-7-108, 40-7-112, 40-7-116, 40-7-120, 40-7-121
  - decree, legal effect, 40-7-113
  - information, submission by, 40-7-107, 40-7-110
  - notice and opportunity to be heard, 40-7-105, 40-7-106, 40-7-111, 40-7-112
  - oath, information submitted under, 40-7-110
  - testimony adduced by, when, 40-7-119
- purpose, 40-7-102
- records
  - certified copies required when, 40-7-120, 40-7-121, 40-7-123
  - preservation, 40-7-122
- registry of out-of-state decrees and proceedings
  - consultation of, when, 40-7-107
  - contents and maintenance, 40-7-117
  - forum, filing in registry of appropriate court, 40-7-108
- rules of civil procedure, nonapplicability, 40-1-105, 40-4-103
- service of process, 40-7-106, 40-7-111

CHILD CUSTODY (Continued)

Uniform Child Custody Jurisdiction Act (Continued)
  social studies, 40-7-120 — 40-7-123
  testimony
    taken out-of-state, 40-7-119
    voluntary, 40-7-121
  visitation rights, inclusion in custody determination, 40-7-103
  witnesses, out-of-state — testimony, 40-7-119
Uniform Parentage Act, determination of custody through, See **Paternity actions**
Visitation
  attorney for child when, 40-4-205
  child's wishes, consideration, 40-4-214
  grandparents, 40-4-217, 40-9-101, 40-9-102
  modification allowed when, 40-4-217
  paternity actions, visitation privileges, 40-6-116
  rights and restrictions, 40-4-217
  separation agreement, provisions and terms, 40-4-201
  supervision required when, 40-4-218
  suspension ordered when, 40-4-109
Vital statistics information, disclosure when, 50-15-112, 50-15-206
Welfare department, See **County welfare department**
Witnesses, out-of-state-testimony, 40-7-119
Youth court, See **YOUTH COURT**, generally

CHILD CUSTODY JURISDICTION ACT, UNIFORM, Title 40, chapter 7

  See **CHILD CUSTODY**

CHILD LABOR

  See **MINORS**, **Employment**

CHILDREN AND YOUTH

  See **MINORS**

CHILD SUPPORT

Abandonment, See **Administrative enforcement**, generally
Abused, neglected, and dependent children
  "dependent youth" defined, 41-3-102
  enforcement for dependent children, See **Administrative enforcement**
  foster homes or private institutions, payments to, 41-3-104, 41-3-105, 41-3-404, 41-3-405
  payments for, 40-6-233, 41-3-104, 41-3-105, 41-3-405, 41-3-407
Administrative enforcement
  administrative hearing, 40-5-226
  administrative remedies, 40-5-253
  appeals from hearings, 40-5-241
  assignment of earnings
    "earnings" defined, 40-5-201
    effect, 40-5-257
    honoring, 40-5-257
    noncompliance, liability, 40-5-242
    release of excess to debtor, 40-5-243
    rights, protection limited when, 40-5-256
    time limitation, 40-5-255
  bank accounts
    release of excess to debtor, 40-5-243
    service of notice or documents upon, 40-5-244
  clerk of the court, notice to, 40-5-205
  cooperation, 40-5-204, 40-5-206
  counsel, right to, 40-5-253

CHILD SUPPORT (Continued)

Administrative enforcement (Continued)
- definitions, 40-5-201
- district court
  - administrative procedures, review, 40-5-253
  - appeals to, 40-5-241
  - orders
    - debt to state, limitations, 40-5-221
    - defined, 40-5-201
    - modification, petition for, 40-5-202
    - support debt created by, 40-5-222
  - petitions for support orders, 40-5-211, 40-5-212
  - powers, 40-5-212
- fees, 40-5-203
- financial responsibility of responsible parent, notice and finding, 40-5-225
- hearings, 40-5-222 — 40-5-226
- judicial review, 40-5-253
- notices
  - payments, concerning, 40-5-205, 40-5-251
  - responsible parents, financial responsibility, 40-5-225
  - support debts, issuance, 40-5-222
  - support liability, issuance, 40-5-223
- obligee and obligor, effect of agreements between, 40-5-202
- paternity, establishment, 40-5-204
- payments
  - enforcement and collections unit, to — when, 40-5-205
  - establishment, hearing for, 40-5-226
  - obtaining, cooperation for, 40-5-204
  - party in interest, 40-5-202
- petition for support order, 40-5-211, 40-5-212
- property
  - lien, release, 40-5-255
  - redemption, 40-5-245
  - return of seized property, 40-5-246
  - seizure and sale, subject to — when, 40-5-222, 40-5-223, 40-5-225
- public assistance
  - debt to state, limitations, 40-5-221, 40-5-226
  - defined, 40-5-201
  - financial responsibility of responsible parent, 40-5-225
  - financial statements required when, 40-5-213
  - payments
    - party in interest, 40-5-202
    - support liability based upon, 40-5-223
  - recipients
    - petition for support order, 40-5-211, 40-5-212
    - power of attorney concerning, 40-5-202
  - repayment as support debt, 40-5-202, 40-5-223
- records, availability, 40-5-206
- responsible parent
  - bond furnished by, when, 40-5-224
  - debt to state, limitations, 40-5-221, 40-5-226
  - defined, 40-5-201
  - financial responsibility, finding, 40-5-225
  - liability and responsibility, determination, 40-5-226
  - notices served upon, when, 40-5-205, 40-5-223, 40-5-225
- revenue, department of — duties, See **Revenue, Department of**
- scale of suggested minimum contributions, 40-5-214, 40-5-226
- social and rehabilitation services, department of — duties, See **Social and Rehabilitation Services, Department of**
- subrogation, 40-5-202
  - support debt based upon, 40-5-222
- support debt
  - collection, 40-5-202, 40-5-222 — 40-5-226

CHILD SUPPORT (Continued)

Administrative enforcement (Continued)
  support debt (Continued)
    defined, 40-5-201
    financial responsibility of responsible parent, 40-5-225, 40-5-226
    interest on, 40-5-251
    notice, issuance, 40-5-222
    payments, 40-5-223
      schedule, setting, 40-5-251
    public assistance funds, repayment as, 40-5-223
    satisfaction after levy on property, 40-5-245
    statutory limitations, 40-5-254
    to state, limitations, 40-5-221, 40-5-226
    uncollectible, determination, 40-5-255
    warrant for distraint based on amount, 40-5-241
  support enforcement services, 40-5-203
  support liability
    finding of, 40-5-224
    hearings concerning, 40-5-225
    notice, issuance, 40-5-223
  support order, petition for, 40-5-211, 40-5-212
  warrant for distraint
    issuance, 40-5-223, 40-5-224, 40-5-241
    noncompliance, liability, 40-5-242
    released when, 40-5-224, 40-5-246
    time limitation, 40-5-255
Adoption
  nonsupport by parents, subsequent to, 40-8-111
  reciprocal enforcement of support, effect, 40-5-112, 40-5-131
Allowance to parent from child's property when, 40-6-212
Annulment, effect of reciprocal enforcement of support on, 40-5-112, 40-5-131
Appeals from support orders, 40-5-135, 40-5-141
Assignment of wages for support payments, 40-4-207, 40-5-310, See also **Administrative enforcement**, assignment of earnings
Attorney
  enforcement proceedings, right to counsel, 40-5-253
  fees, 40-4-110
    waiver, 40-4-205
  representation of child when, 40-4-205
  revenue, department of — power of, when, 40-5-202
  scale of suggested minimum contributions furnished to, 40-5-214
Attorney general, enforcement duties, See **Reciprocal enforcement**
Child's property used for, when, 40-6-212
Child Support Income Deduction Act of 1981, Title 40, chapter 5, part 3, See **Income deduction**
Clerk of the district court
  administrative enforcement duties, See **Administrative enforcement**
  payments made to
    dissolution of marriage, 40-4-206
    paternity actions, 40-6-117
    reciprocal enforcement, 40-5-125, 40-5-127
  reciprocal enforcement duties, See **Reciprocal enforcement**
Confidentiality of payments when, 40-6-114, 40-6-122
Conflict of laws, See **Reciprocal enforcement**
Contempt
  duties of support, enforcement, 40-5-110, 40-6-117
  reciprocal enforcement, obligor's violation of court orders, 40-5-127
Counties, payments by
  abused, neglected, and dependent children, 41-3-104, 41-3-105
  custodial agencies, support of youth committed to — when, 41-5-803
  right to initiate proceedings when, 40-5-109
County attorney, duties respecting, See **Reciprocal enforcement**

CHILD SUPPORT (Continued)

County commissioners
  estates, claims against for child support when, 40-6-213
  reciprocal enforcement, representation for obligee requested when, 40-5-113, 40-5-139
County welfare department — reciprocal enforcement, representation for obligee requested when, 40-5-113, See also **Administrative enforcement**, public assistance
Criminal charges for nonsupport, 45-5-621, 45-5-622
Criteria for ordering, 40-4-204
Custodial agencies, support of child placed in, 41-5-803, 41-5-911, 41-5-912
Death of parent
  provisions if marriage had been dissolved, 40-4-208
  remedy for lack of provisions, 40-6-213
Declaration of invalidity, effect of reciprocal enforcement of support on, 40-5-112, 40-5-131
Delinquent payments, See **Income deduction**; **Payments**
Delinquent youth or youth in need of supervision, support for, 41-5-911
Dependent children, for, See **Administrative enforcement**; See also **Abused, neglected, and dependent children**
Dissolution of marriage proceedings
  administrative enforcement, See **Administrative enforcement**
  attorney to represent child when, 40-4-205
  criteria to determine, 40-4-204
  death of parent obligated for support, 40-4-208
  declaration of invalidity decree, applicability, 40-1-402
  decree, dissolution
    effect of support provisions on, 40-4-104
    failure of other party to comply with provisions, effect, 40-4-109
    petition, statement in, 40-4-105
  maintenance, effect of support provisions, 40-4-203
  modification of provisions, 40-4-208
  payments, See **Payments**
  petition for, contents, 40-4-105
  pleadings, 40-1-105, 40-4-103
  property settlement stipulations, 40-4-202
  reciprocal enforcement of support, effect on, 40-5-112, 40-5-131
  reciprocity, See **Reciprocal enforcement**
  rules of civil procedure, applicability, 40-1-105, 40-4-103
  separation agreement, effect, 40-2-303, 40-4-201
  temporary orders or injunction issued when, 40-4-106
  termination of obligation, 40-4-208
  wage assignments when, 40-4-207
District court, See **Administrative enforcement**; **Income deduction**; **Reciprocal enforcement**
District youth guidance home, support of youth placed in, 41-5-911
Dueling, support as damages, 27-1-223
Duty of
  administrative enforcement, See **Administrative enforcement**
  defined, 40-5-103
  dueling, upon, 27-1-223
  enforcement
    administrative, See **Administrative enforcement**
    parental abuse, 40-6-233
    paternity actions, 40-6-117
    reciprocal, See **Reciprocal enforcement**
  foreign support orders, 40-5-136 — 40-5-141
  orders for, See **Orders for**
  parental liability, criteria to determine, 40-4-204
  paternity actions, judgment or order for, 40-6-116, 40-6-117
  reciprocal duties, See **Reciprocal enforcement**
Education, obligation of support for, See also **PARENT AND CHILD**
  criteria for determining amount of support, 40-4-202, 40-4-204, 40-6-116, 40-6-118
  paternity proceedings, criteria for support payments, 40-6-116, 40-6-118
  property settlement provisions for, 40-4-202
Endangering the welfare of children by nonsupport, 45-5-622

CHILD SUPPORT (Continued)

Enforcement
  administrative, See **Administrative enforcement**
  parental abuse, duty of support enforced when, 40-6-233
  paternity actions, enforcement of orders, 40-6-117
  reciprocal, See **Reciprocal enforcement**
Estates
  claims against for child support when, 40-6-213
  provisions when marriage has been dissolved, 40-4-208
Extradition for nonsupport, 40-5-106, 40-5-107
Foreign orders, 40-5-136 — 40-5-141
Foster homes, payments to, 41-3-104, 41-3-105, 41-3-404, 41-3-405
  debt to state, as — limitations, 40-5-221
Gambling losses, recovery, 23-5-132
Governor, extradition powers, 40-5-106, 40-5-107
Grounds for ordering, 40-4-204
Habeas corpus, writ of — effect of reciprocal enforcement on, 40-5-112, 40-5-131
Income deduction
  administration expenses, 40-5-309
  amount, 40-5-309
  cessation, 40-5-309
  citation of child support income deduction act of 1981, 40-5-301
  delinquency
    denial, 40-5-307
    discharge, 40-5-306
    payments considered delinquent when, 40-5-304
  district court
    fees allowed by, 40-5-309
    hearing, 40-5-307
    notice to obligor, 40-5-305
    orders, 40-5-308, 40-5-309
  employer's fees, 40-5-308, 40-5-309
  hearing, 40-5-307
  notice, 40-5-305, 40-5-308
  order for, 40-5-305, 40-5-308
  petition for, who may initiate, 40-5-303
  priority, 40-5-310
  purpose of provisions, 40-5-302
Indigent parents, waiver of fees when, 40-4-205, See also **Parents**
Injunction, temporary — issued when, 40-4-106
Interstate actions, See **Administrative enforcement**, generally; **Reciprocal enforcement**
Interstate placement of children, financial responsibility, 41-4-102, 41-4-105
Maintenance proceedings, orders for support, 40-4-204
  subrogation, 40-5-202
Majority, age of — support for person after attaining, 40-6-218
Modification, criteria, 40-4-208
Necessaries, procurement for children
  contracts for, 28-2-202, 28-2-204, 41-1-305
  parental liability, 40-2-205 — 40-2-207, 40-2-209, 40-2-210
  third person to supply, parental liability, 40-6-215, 40-6-216
Neglected children, See **Abused, neglected, and dependent children**
Nonsupport
  administrative enforcement of support, See **Administrative enforcement**
  adoption of children subsequent to, 40-8-111
  criminal charges for, 45-5-621, 45-5-622
  extradition for, 40-5-106, 40-5-107
Orders for
  custody action when no dissolution of marriage, support provisions, 40-6-223
  defined, 40-5-103
  dissolution of marriage
    modification of provisions, 40-4-208

CHILD SUPPORT (Continued)

Orders for (Continued)
- dissolution of marriage (Continued)
  - temporary order or injunction issued when, 40-4-106
  - termination of order when, 40-4-208
- foreign, 40-5-136 — 40-5-141
- income deduction, 40-5-305, 40-5-308
- maintenance proceedings, 40-4-204
- modification, petition for, 40-5-202
- paternity actions, 40-6-116
  - enforcement, 40-6-117
  - modification, 40-6-118
- reciprocal, See **Reciprocal enforcement**
- temporary, issued when, 40-4-106

Parents
- abuse of parental authority, duty of support enforced when, 40-6-233
- allowance to, from child's property when, 40-6-212
- child abuse, costs of supporting child in foster home, 41-3-405, 41-3-407
- child's property used when, 40-6-212
- custodial agencies, support of youth committed to, 41-5-803
- death of
  - obligations when marriage had been dissolved, 40-4-208
  - remedy for lack of provisions, 40-6-213
- district youth guidance homes, charge for youth placed in, 41-5-911
- education, obligations regarding, See **Education**; See also **PARENT AND CHILD**, **Education of children**
- foster homes, payments for children placed in, 41-3-105, 41-3-405
- generally, 40-2-205 — 40-2-210, 40-6-211 — 40-6-218
- indigent, waiver of fees when, 40-4-205
- investigation of support abilities, 41-3-405
- majority, age of — support for person after attaining, 40-6-218
- necessaries, procurement for children, See **Necessaries**
- nonliability when, 40-6-216
- nonsupport, See **Nonsupport**
- private institutions, payments for children placed in, 41-3-105
- property of child used when, 40-6-212
- reciprocal duties of parent and child, 40-6-214
- stepparent, liability for stepchildren, 40-6-217

Paternity actions
- action joined with support action, 40-6-109
- administrative enforcement, establishment of paternity, 40-5-204
- confidentiality of payments when, 40-6-114, 40-6-122
- orders for support, 40-6-116
  - enforcement, 40-6-117
  - modification, 40-6-118
- payments, See **Payments**
- presumption of paternity, support as, 40-6-105
- putative father, lack of support as grounds for termination of rights when, 40-6-129, 40-6-130
- reciprocal enforcement proceedings
  - adjudication of paternity issue when, 40-5-128
  - defense, paternity as, 40-5-124, 40-5-128
- written promise for support, 40-6-122

Payments
- abused, neglected, and dependent children, 41-3-104, 41-3-105, 41-3-404, 41-3-405, 41-3-407
- administrative enforcement, See **Administrative enforcement**
- clerk of the district court, payable to — when, 40-4-206, 40-5-125, 40-5-127
- confidentiality when, 40-6-114, 40-6-122
- credit for, when, 40-5-132
- criteria to determine, 40-4-202, 40-4-204, 40-6-116
- custodial agencies, for children placed in, 41-5-803
- death of parent owing support, provisions for, 40-4-208

CHILD SUPPORT (Continued)

Payments (Continued)
  delinquent
    collection, contempt proceedings for, 40-5-110
    income deduction for, See **Income deduction**
  dissolution of marriage
    clerk of the district court, made to — when, 40-4-206
    criteria to determine, 40-4-204
    death of parent obligated for, 40-4-208
    terminated when, 40-4-208
    wage assignments, when, 40-4-207
  district youth guidance homes, charge to parents for child placed in — when, 41-5-911
  foster homes or private institutions, to, 41-3-104, 41-3-105, 41-3-404, 41-3-405
  modification when, 40-6-118
  paternity actions
    agency to receive and disburse when, 40-6-114, 40-6-117, 40-6-122
    confidentiality when, 40-6-114, 40-6-122
    criteria to determine, 40-6-116
    modification when, 40-6-118
    voluntary payments when, 40-6-114
  reciprocal enforcement, See **Reciprocal enforcement**
  revenue, department of — power concerning, 40-5-202
  security for, when, 40-5-127, 40-5-141, 40-6-116
  suspension when, 40-4-109
  terminated when, 40-4-208
  wages
    assignments for, when, 40-4-207, 40-5-310
    deduction from, order for, 40-5-308
Personal injury resulting from dueling, upon, 27-1-223
Pleadings, 40-1-105, 40-4-103
Prisoner, when parent is — work release program, 46-18-702, 46-18-703
Private institutions, payments to, 41-3-104, 41-3-105
Property
  child, of — used when, 40-6-212
  income and accumulations subject to use for support, 70-1-417
  seizure and sale, See **Administrative enforcement**
  set aside for support, 40-4-202
Putative spouse, rights respecting, 40-1-404
Reciprocal duties of parent and child, 40-6-214
Reciprocal enforcement
  appeals, 40-5-135, 40-5-141
  application of laws, 40-5-134
  arrest of obligor when, 40-5-117
  attorney general
    appeals by, 40-5-135
    duties generally, 40-5-119
    obligee, representation when, 40-5-113, 40-5-119, 40-5-139
    prosecution transferred to, when, 40-5-118, 40-5-119, 40-5-139
  citation of revised uniform reciprocal enforcement of support act, 40-5-101
  cities, right to initiate proceedings when, 40-5-109
  civil enforcement, 40-5-108 — 40-5-135
  clerk of the district court
    docket of case, 40-5-119, 40-5-140
    foreign orders, registry and duties, 40-5-138, 40-5-140
    information agency, documents deposited by, 40-5-118
    initiating court
      documents from, forwarded when, 40-5-120, 40-5-134
      notification when, 40-5-120
      payments, receipt and disbursement, 40-5-130
    intrastate procedure, 40-5-134
    notification
      county attorney, 40-5-119, 40-5-134, 40-5-140
      initiating court, 40-5-120

CHILD SUPPORT (Continued)

Reciprocal enforcement (Continued)
- clerk of the district court (Continued)
  - payments made to, 40-5-125, 40-5-127
    - receipt and disbursement of, 40-5-130
    - transmittal and statement of, 40-5-129
  - responding court
    - obligor, payment and report by, 40-5-127
    - payments, receipt and transmittal, 40-5-125, 40-5-129
- conflicting support orders, 40-5-132
- conflict of laws, 40-5-108, 40-5-112, 40-5-132
- contempt charged when, 40-5-110, 40-5-127
- continuance of proceedings, 40-5-120, 40-5-121
- costs and fees, liability for payment, 40-5-116
- counties, right to initiate proceedings when, 40-5-109
- county attorney
  - defined as prosecuting attorney, 40-5-103
  - duties generally, 40-5-119, 40-5-120, 40-5-134
  - enforcement of orders, 40-5-125, 40-5-140, 40-5-141
  - extradition, duties respecting, 40-5-107
  - intrastate procedures, 40-5-134
  - obligee, representation when, 40-5-113, 40-5-119, 40-5-139
  - prosecution transferred from, when, 40-5-118, 40-5-119, 40-5-139
- county commissioners, representation for obligee requested when, 40-5-113, 40-5-139
- court, See district court
- criminal enforcement, 40-5-106, 40-5-107
- defenses, 40-5-110, 40-5-124, 40-5-141
- definitions, 40-5-103
- district court
  - clerk, See clerk of the district court
  - defined, 40-5-103
  - duties generally, 40-5-119, 40-5-120, 40-5-125
  - initiating court, See initiating court
  - intrastate procedures, 40-5-134
  - jurisdiction, 40-5-111
  - responding court, See responding court
- duty of support
  - conflict of laws, 40-5-108
  - defined, 40-5-103
  - enforcement
    - contempt proceedings, 40-5-110, 40-5-127
    - county where applicable, 40-5-125
    - evidence, rules of — applicability, 40-5-124
    - foreign orders, 40-5-140, 40-5-141
    - generally, 40-5-110
    - responding court, 40-5-125
  - extent, 40-5-105
  - foreign support orders, 40-5-136 — 40-5-141
  - laws applicable, 40-5-108
  - orders for, See orders for support
- evidence
  - adduced by deposition when, 40-5-121
  - rules governing, 40-5-124
- extradition, 40-5-106, 40-5-107
- foreign support orders
  - confirmation, 40-5-141
  - enforcement, 40-5-141
  - registration by obligee, 40-5-137
    - effect, 40-5-141
    - procedure, 40-5-140
  - registry, 40-5-138
  - remedies, additional, 40-5-136
  - representation for obligee, 40-5-139

CHILD SUPPORT (Continued)

Reciprocal enforcement (Continued)
- governmental agencies, right to initiate proceedings when, 40-5-109
- governor
  - defined, 40-5-103
  - powers, 40-5-106, 40-5-107
- hearings
  - adjournment when, 40-5-128
  - continuance, 40-5-121
  - foreign support orders, enforcement, 40-5-141
  - obligor, appearance required, 40-5-117
  - stay of proceedings when, 40-5-131
  - testimony, 40-5-122
- husband-wife privilege, applicability, 40-5-110, 40-5-123
- immunity to suit, availability as defense, 40-5-110
- information agency
  - petition and papers forwarded to, when, 40-5-115
  - social and rehabilitation services, department of — designation and duties, 40-5-118
- initiating court, See also responding court
  - arrest, jurisdiction, 40-5-117
  - costs and fees, 40-5-116
  - defined, 40-5-103
  - payments, receipt and disbursement, 40-5-129, 40-5-130
  - petition, certification and forwarding, 40-5-115
  - support orders, copies received by, 40-5-126
- interstate placement of children, applicability, 41-4-102, 41-4-105
- interstate rendition, 40-5-106, 40-5-107
- intrastate procedures, 40-5-134
- jurisdiction of court
  - arrest, by, 40-5-117
  - district court, 40-5-111
  - participation in other proceedings, effect on, 40-5-133
- laws determining applicability of support duties, 40-5-108
- minors
  - interstate placement, applicability to, 41-4-102
  - obligees, as — petitions, how filed, 40-5-114
- obligee
  - defined, 40-5-103
  - foreign support orders, 40-5-136 — 40-5-141
  - intrastate procedures, 40-5-134
  - minor obligees, petitions — how filed, 40-5-114
  - public assistance received by, affidavit respecting, 40-5-112
  - representation for, 40-5-113, 40-5-119, 40-5-139
  - residence, duty of support independent of, 40-5-105
  - state's right as, 40-5-109
- obligor
  - arrest, 40-5-117
  - contempt charged when, 40-5-127
  - costs and fees, liability, 40-5-116
  - defenses, 40-5-124, 40-5-141
  - defined, 40-5-103
  - duty of support, extent, 40-5-105
  - extradition, 40-5-106, 40-5-107
  - foreign orders, notice of registration, 40-5-140
    - answer, time limitation, 40-5-141
  - hearings, appearance required, 40-5-117
  - immunity from prosecution when, 40-5-122
  - immunity to suit, nonavailability, 40-5-110
  - intrastate procedures, 40-5-134
  - locating obligor and property, 40-5-118, 40-5-120
  - order of support, 40-5-125
  - paternity as defense, 40-5-124, 40-5-128
  - payments, 40-5-125, 40-5-127

CHILD SUPPORT (Continued)

Reciprocal enforcement (Continued)
- obligor (Continued)
  - presumption of presence, 40-5-108
  - stay of proceedings when, 40-5-131
  - testimony compelled when, 40-5-122
  - violations, penalty, 40-5-127
- orders for support
  - appeals from, 40-5-135, 40-5-141
  - conflicting orders, 40-5-132
  - contempt charged when, 40-5-110, 40-5-127
  - defenses, 40-5-124, 40-5-141
  - defined, 40-5-103
  - foreign, 40-5-136 — 40-5-141
  - issuance, 40-5-125, 40-5-131
  - nullification when, 40-5-132
  - transmittal, 40-5-126
- paternity
  - adjudication of issue, when, 40-5-128
  - defense, paternity as, 40-5-124, 40-5-128
  - presumption of, support payments as, 40-6-105
- payments, 40-5-125, 40-5-127, 40-5-129
  - credit for, when, 40-5-132
  - receipt and disbursement, 40-5-130
  - security for, 40-5-127, 40-5-141
  - transmittal and statement thereof, 40-5-129
- petition
  - contents and filing, 40-5-112
  - copies to responding state, 40-5-115
  - minor obligee, how filed, 40-5-114
- political subdivisions, right to initiate proceedings when, 40-5-109
- prosecuting attorney, See county attorney
- purpose of revised uniform reciprocal enforcement of support act, 40-5-102
- registration of foreign orders, 40-5-137
- remedies
  - foreign support orders, 40-5-136 — 40-5-141
  - state furnishing support, 40-5-109
  - supplemental to existing remedies, 40-5-104
- responding court, See also initiating court
  - arrest, jurisdiction, 40-5-117
  - costs and fees, 40-5-116
  - defined, 40-5-103
  - duties and powers generally, 40-5-119, 40-5-120, 40-5-127, 40-5-129
  - locating, 40-5-115
  - orders for support, 40-5-125
    - copies, transmittal, 40-5-126
  - payments, transmittal and statement thereof, 40-5-129
  - petition, acknowledgment of receipt, 40-5-115
  - stay of proceedings, 40-5-131
- social and rehabilitation services, department of, See **Social and Rehabilitation Services, Department of**
- state
  - costs and fees, liability, 40-5-116
  - defined, 40-5-103
  - law binding on persons in, 40-5-105
  - proceedings, when initiated by, 40-5-109
  - reimbursement, 40-5-109
- stay of proceedings, 40-5-131, 40-5-141
- testimony, 40-5-121 — 40-5-123
- uniform act
  - citation, 40-5-101
  - purpose, 40-5-102
  - uniformity, 40-5-142

CHILD SUPPORT (Continued)

Reciprocal enforcement (Continued)
  uniformity of interpretation, 40-5-142
  venue, 40-5-112, 40-5-120
  welfare officers, representation for obligee requested when, 40-5-113, 40-5-139
Reimbursement
  parent or relative, to — required when, 40-6-216
  public assistance, to, See **Administrative enforcement**
Relatives, reimbursement when, 40-6-216
Remedies
  abuse of child by parent, duty of support enforced when, 40-6-233
  death of parent, remedy for lack of provisions, 40-6-213
  delinquent payments, income deduction for, 40-5-311
  dueling, upon, 27-1-223
  reciprocal enforcement provisions, See **Reciprocal enforcement**
Revenue, Department of
  cooperation, 40-5-204, 40-5-206
  duties generally, 40-5-202
  financial responsibility of responsible parent, notice and finding, 40-5-225
  financial statements by parents, demand for, 40-5-213
  hearings held by, 40-5-223 — 40-5-226
  income deduction, petition for, 40-5-303
  obligee, representation when, 40-5-113
  petition for support order filed by, when, 40-5-211
  powers generally, 40-5-202
  records, availability, 40-5-206
  scale of suggested minimum contributions, establishment, 40-5-214
  support debt
    collections, powers and duties, 40-5-202, 40-5-222 — 40-5-224
    interest on, collection, 40-5-252
    notice, issuance, 40-5-222
    payment schedule, 40-5-251
    to state, rules regarding, 40-5-221
    uncollectible, determination and time limitation, 40-5-255
  support enforcement and collections unit
    general provisions, 40-5-206
    payments to, when, 40-5-205
  support enforcement services, applications and fees, 40-5-203
  support liability, issuance of notice for, 40-5-223
  warrant for distraint
    issuance, 40-5-223, 40-5-224, 40-5-241
    noncompliance, liability, 40-5-242
    release, 40-5-246
    time limitation, 40-5-255
Revised Uniform Reciprocal Enforcement of Support Act, Title 40, chapter 5, See **Reciprocal enforcement**
Rules of civil procedure, applicability, 40-1-105, 40-4-103
Separation
  agreement, provisions and effect, 40-2-303, 40-4-201
  proceedings, provision for child support, 40-4-204
Social and Rehabilitation Services, Department of
  income deduction, petition for, 40-5-303
  payments by, 41-3-104, 41-3-105
  public assistance applications concerning children, referral, 40-5-202
  reciprocal enforcement
    information agency, designation and duties as, 40-5-118
    obligee
      public assistance received by, report required when, 40-5-112
      representation when, 40-5-113, 40-5-139
State
  administrative enforcement, See **Administrative enforcement**, generally
  interstate placement of children, financial responsibility, 41-4-102, 41-4-105
  payments for abused, neglected, and dependent children, 41-3-104, 41-3-105

CHILD SUPPORT (Continued)

State (Continued)
  reciprocal enforcement
    costs and fees, liability, 40-5-116
    proceedings initiated by, when, 40-5-109
    reimbursement for support furnished by state, 40-5-109
Stepparents, liability for stepchildren, 40-6-217
Temporary support when, 40-4-106
  subrogation, 40-5-202
Termination of payments when, 40-4-208
Uniform Reciprocal Enforcement of Support Act, Revised, Title 40, chapter 5, See **Reciprocal enforcement**
Venue
  paternity actions, 40-6-109
  reciprocal enforcement, 40-5-112, 40-5-120
Wages
  assignments for, when, 40-4-207, 40-5-310, See also **Administrative enforcement**, assignation of earnings
  deduction from, 40-5-308
Welfare, See **Administrative enforcement**, public assistance; **County welfare department**
Wrongful death resulting from dueling, upon, 27-1-223
Youth guidance homes, youth placed in, 41-5-911

CHILD SUPPORT INCOME DEDUCTION ACT OF 1981, Title 40, chapter 5, part 3

  See **CHILD SUPPORT**, **Income deduction**

CHILD WELFARE

  See **MINORS**, generally; **PUBLIC ASSISTANCE**; **YOUTH COURT**, generally

CHIROPODY AND CHIROPODISTS

  See **PODIATRY AND PODIATRISTS**

CHIROPRACTIC AND CHIROPRACTORS

Acupuncture, practice of — requirements, 37-13-104
Advertising, 35-4-103, 35-4-201
Alcohol abuse, effect, 37-12-321
Board of Chiropractors
  affidavits, 37-12-201
  allocation, 2-15-1847
  compensation of members, 37-12-202
  complaints, filing, 37-12-322
  composition, 2-15-1847
  defined, 37-12-101
  disciplinary actions, 37-12-322, 37-12-323
  expenses of members, 37-12-202
  fees set by, 37-12-302, 37-12-305, 37-12-307, 37-12-323
  funding, 37-12-308
  hearings, 37-12-322
  investigations by, 37-12-322
  licenses
    application forms, 37-12-302
    examinations, 37-12-304
    nonresidents, 37-12-305
    reciprocity, 37-12-305
    reinstatement, 37-12-322
    renewal fee, 37-12-307

CHIROPRACTIC AND CHIROPRACTORS (Continued)

Board of Chiropractors (Continued)
    licenses (Continued)
        restoration and fee, 37-12-323
        temporary permits, 37-12-303
    meetings, 37-12-201
    oaths, 37-12-201
    officers, 37-12-201
    proceedings, records, 37-12-201
    public representation on, 2-15-1847
    quorum, 37-12-201
    removal from office, 2-15-1847
    rules by, 37-12-201, 37-12-321
    schools of chiropractic, schedule of requirements, 37-12-201
    seal, 37-12-201
    termination, 2-8-103
    term of office, 2-15-1847
    witnesses for, 37-12-201
Child abuse, reporting of, 41-3-201, 41-3-203, 41-3-204, 41-3-206, 41-3-207
Commerce, Department of
    accounting of funds, 37-12-308
    complaints or charges, notification and filing, 37-12-322
    defined, 37-12-101
    earmarked revenue fund, 37-12-308
    fees paid to, 37-12-302, 37-12-308
    licenses
        applications, 37-12-302
        examinations, 37-12-304
        fees, 37-12-302
        renewal, 37-12-307
        revocation or suspension, recording of facts, 37-12-322
        temporary permits, 37-12-303
    records kept by, 37-12-201, 37-12-322
Construction of provisions, limitations, 37-12-102
Continuing education requirements, 37-12-307
Deceptive practices, 37-12-321
Definitions, 37-12-101, 37-12-321
Disability insurance, insured's selection of practitioner, 33-22-111
Disciplinary actions, 37-12-322, 37-12-323
Drugs
    abuse, effect, 37-12-321
    prescribing, administering, or dispensing, 37-12-104, 37-12-321
Duties of practitioners, 37-12-103
Execution, exemption, 25-13-612
Exemptions from provisions, 37-12-102
Fees, See **Licenses and licensing**
Fraudulent practices, 37-12-321, 37-12-324
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
Incompetence, 37-12-322
Incorporation, See **CORPORATIONS, Professional service corporations**
Insurance
    disability, insured's selection of practitioner, 33-22-111
    health service corporations, See **HEALTH SERVICE CORPORATIONS**
    information and privacy protection act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
    professional liability, See **INSURANCE — CASUALTY, Professional liability**
Investigations, 37-12-322
Licenses and licensing
    applicants, qualifications, 37-12-302
    applications, 37-12-302, 37-12-304
    continuing education requirements, 37-12-307
    discrimination in issuance prohibited, 49-3-204
    examinations, 37-12-304

CHIROPRACTIC AND CHIROPRACTORS (Continued)

Licenses and licensing (Continued)
  expiration, 37-12-307
  fees, 37-12-302, 37-12-305, 37-12-307 — 37-12-309, 37-12-323
  fraud, misrepresentation, or deception, 37-12-321, 37-12-324
  hearings, 37-12-322
  issuance, 37-12-304
    discrimination prohibited, 49-3-204
  lack of, unlawful, 37-12-301
  local fee or tax prohibited, 37-12-309
  nonresidents, 37-12-305
  practice without, unlawful, 37-12-301
  reciprocity, 37-12-305
  reinstatement, 37-12-322
  renewal, 37-12-307
  restoration, 37-12-323
  revocation or suspension, 37-12-322
  temporary permits, 37-12-303
Local license fee or tax prohibited, 37-12-309
Malpractice, See **INSURANCE — CASUALTY, Professional liability; MALPRACTICE, MEDICAL**
Medicaid, See **PUBLIC ASSISTANCE**
Medical records information, See **INSURANCE, Information and privacy protection**
Medicine, practice of
  licensing provisions, applicability, 37-3-103
  prohibited, 37-12-104
Mental illness, 37-12-322
Misrepresentation by, 37-12-321
Nonresidents, 37-12-305
Osteopathy, practice of — prohibited, 37-12-102, 37-12-104
Payment for services
  medicaid, See **PUBLIC ASSISTANCE**
  misrepresentation in obtaining, 37-12-321
Physical therapy provisions, exemptions and restrictions, 37-11-102, 37-11-103
Practice of
  aiding or abetting persons not licensed to practice, 37-12-321
  defined, 37-12-101
  false or assumed name, under, 37-12-321
  licenses
    suspension or revocation, during, 37-12-322
    without, unlawful, 37-12-301
  limitations, 37-12-102, 37-12-104
  physical therapists, restrictions, 37-11-103
  rights, 37-12-104
Practitioners, duties, 37-12-103
Probation, 37-12-322, 37-12-323
Professional liability, See **INSURANCE — CASUALTY; MALPRACTICE, MEDICAL**
Professional service corporations, See **CORPORATIONS**
Radiologic Technologists, Board of — representation on, 2-15-1848
Schools of chiropractic
  educational requirements, 37-12-201
  graduation from, requirements, 37-12-302
Unprofessional conduct, 37-12-321, 37-12-322
Violations
  convictions, effect, 37-12-321
  generally, penalty, 37-12-324
  investigations, 37-12-322
  prosecutions, 37-12-324
  unprofessional conduct, as, 37-12-321
X-rays, 37-12-104, See also **RADIOLOGY AND RADIOLOGIC TECHNOLOGISTS**, generally

CHIROPRACTORS, BOARD OF
See **CHIROPRACTIC AND CHIROPRACTORS**

CHOICE OF LAW
See **CONFLICT OF LAWS**

CHOSES IN ACTION
See **THINGS IN ACTION**

CHURCHES
See also **CLERGY; RELIGION**

Alcoholic beverages, proximity of retail establishments restricted, 16-3-306
Easement for seat in church, 70-17-101, 70-17-102, See also **REAL PROPERTY**, **Easements**
Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Health inspections, 50-1-203
Insurers, farm mutual — insuring power, 33-4-501, 33-4-511
Mausoleums or columbariums operated by, applicability of laws, 35-21-103
Mining operations which jeopardize, 82-4-227
Right of seat in church, 70-17-101, 70-17-102
Rural, insurance for, 33-4-501, 33-4-511
Tax exemption, 15-6-201, See also **TAXATION**, **Charities**; **Clergy**; **Corporations**, religious corporations

CHURCH SCHOOLS
See **PRIVATE SCHOOLS**, generally

CIGARETTES

Administration of Montana Cigarette Sales Act, 16-10-104
Advertising
  coupons or other articles combined with cigarettes, 16-10-202, 16-10-301
  price in, 16-10-203
  unlawful when, 16-10-301
    exceptions, 16-10-304
Appeals
  district court, 16-11-144, 16-11-150
  state tax appeal board decisions, 16-11-150
Carriers' reports, 16-11-104
Cigarette Sales Act, Montana
  administration, 16-10-104
  enforcement, 16-10-104, 16-11-144
  policy and purpose, 16-10-102
"Cigarettes" defined, 16-10-103, 16-11-102
Citation of Montana Cigarette Sales Act, 16-10-101
Clean Indoor Air Act of 1979, Title 50, chapter 40, part 1, See **PUBLIC ACCOMMODATIONS**
Consumer, direct tax on, 16-11-112, 16-11-202
Contracts illegal when, 16-10-302
Cost surveys, 16-10-303
Cost to retailer or wholesaler
  "basic cost of cigarettes" defined, 16-10-103
  competition, pricing to meet, 16-10-203
  cost surveys, 16-10-303
  "cost to the retailer" defined, 16-10-103
  "cost to the wholesaler" defined, 16-10-103

CIGARETTES (Continued)

Cost to retailer or wholesaler (Continued)
  determination, 16-10-204
  fictitious prices, effect, 16-10-204
  free merchandise, effect, 16-10-204
  purchases outside usual trade channels, 16-10-205
Definitions, 16-10-103, 16-11-102, 16-11-201
Enforcement
  arrests when, 16-11-141
  cigarette sales act, 16-10-104, 16-11-144
  county attorney, duties, 16-11-142
  funding, 16-11-124
  injunctions when, 16-10-402, 16-11-145
  license revocation or suspension, 16-11-144, 16-11-148
  peace officers, duties, 16-11-142, 16-11-147
  revenue, department of, See **Revenue, Department of**, generally
  search and seizure when, 16-11-141, 16-11-144, 16-11-147
  taxation provisions, 16-10-104, 16-11-141 — 16-11-144
Excise tax, See **Tax on**, generally
Food, Drug, and Cosmetic Act — exclusion, 50-31-103
Forests, throwing lighted materials within — unlawful, 76-13-124
Hearings, 16-11-103, 16-11-144, 16-11-149
Illegal cigarettes
  nuisance, public — location of sales, 16-11-145
  seizure and forfeiture when, 16-11-147
Injunctions when, 16-10-402, 16-11-145
Insignia
  affixation, 16-11-113
  application of and cancellation, 16-11-113
  defined, 16-11-102
  discount when, 16-11-114
  forgery or counterfeiting, penalty, 16-11-134, 16-11-146
  payments due when, 16-11-117
  possession of cigarettes without, unlawful when, 16-11-113
  purchase, 16-11-114
  rebate allowed when, 16-11-116
  resale prohibited, 16-11-116
  sale or use of cigarettes without, unlawful, 16-11-133
  tax meter machines
    authorization, 16-11-115
    inspections, 16-11-118
    operation, 16-11-115
    record requirements, 16-11-118
  transporting cigarettes without, unlawful, 16-11-131
Licensees, bond requirements, 16-11-117
Licenses for wholesalers, sub-jobbers, retailers, and vendors
  applications, 16-11-120
  denial of reinstatement when, 16-10-403
  discrimination in issuance prohibited, 49-3-204
  display, 16-11-123
  fees and disposition of, 16-11-122, 16-11-124
  number required, 16-11-120
  renewal, 16-11-122
  revocation or suspension when, 16-10-403, 16-11-144, 16-11-148
    appeals when, 16-11-144, 16-11-150
    reinstatement, denial when, 16-10-403
    sales following, unlawful, 16-10-403, 16-11-144
  sales without, unlawful, 16-11-132
  transferability, 16-11-122
Long-range building program bonds, proportion of tax for, 16-11-119, 16-11-206
Marketing regulations, Title 16, chapter 10
Monopoly, state, 16-10-102, 16-10-301
Nuisance, public — premises as, when, 16-11-145

CIGARETTES (Continued)

Policy and purpose of Montana Cigarette Sales Act, 16-10-102
Possession unlawful when, 16-11-113
Public areas, smoking in, See **PUBLIC ACCOMMODATIONS**
Revenue, Department of
  administrative duties, 16-10-104
  appeal of decisions by, 16-11-150
  arrest powers, 16-11-141
  bond proceeds and insurance clearance fund, deposits to, 16-11-119
  carriers' reports, 16-11-104
  cigarette sales act, duties concerning, 16-10-104
  county attorneys, assistance by, 16-11-142
  delinquent tax, collection procedures, 16-11-143
  earmarked revenue fund, deposits to, 16-11-124
  enforcement division, cigarette
    establishment, 16-11-103
    funding, 16-11-124
  general fund, deposits to, 16-11-124
  hearings when, 16-11-103, 16-11-144, 16-11-149
  inspections by, 16-11-118
  license revocation or suspension by, 16-10-403, 16-11-144, 16-11-148
  peace officers, assistance by, 16-11-142, 16-11-147
  search and seizure by, when, 16-11-141, 16-11-147
  sinking fund, deposits to, 16-11-119, 16-11-206
  taxation generally, powers regarding, 16-11-103
  tax meter machines, 16-11-115, 16-11-116, 16-11-118
Sales, unlawful practices
  cost, below — when, 16-10-201, 16-10-301
    exceptions, 16-10-304
    penalties, 16-10-401, 16-10-403
  exceptions, 16-10-304, 16-11-132
  injunction or other relief from, 16-10-402
  insignia, without, 16-11-133
  license revocation or suspension, following, 16-10-403, 16-11-144
  license, without — exceptions, 16-11-132
  tobacco, other than cigarettes — when, 16-11-204, 16-11-205
Selling price
  cigarettes sold with other articles, 16-10-202, 16-10-301
  competition allowed when, 16-10-203
  coupons or other articles sold with cigarettes, 16-10-202, 16-10-301
  price of competitor's product, determination, 16-10-203
  retailers, resale to, 16-10-201
  wholesaler to wholesaler, 16-10-201
Smoking areas, designation in public places, See **PUBLIC ACCOMMODATIONS**
State tax appeal board
  appeal of decisions by, 16-11-150
  hearings before, 16-11-149
Tax on
  collection, 16-11-112, 16-11-143
  consumer, effect on, 16-11-112
  deductibility, state and local taxes, 16-11-101
  delinquent, collection procedures, 16-11-143
  disposition of moneys from, 16-11-119
  legislative intent, 16-11-101
  levy of, 16-11-111
  nonpayment, penalty, 16-11-143
  rate of, 16-11-111
    notice, posting, 16-11-112
Tobacco, other than cigarettes
  consumer, direct tax on, 16-11-202
  definitions, 16-11-201
  food, drug, and cosmetic act — exclusion, 50-31-103
  sales unlawful when, penalty, 16-11-204, 16-11-205

CIGARETTES (Continued)

Tobacco (Continued)
    tax on
        collection, 16-11-203
        disposition of moneys, 16-11-206, 17-5-408
        levy and rate, 16-11-202
        notice of rates, posting, 16-11-202
        purpose, 17-5-408
        refund when, 16-11-206
    wholesalers
        discount allowed when, 16-11-206
        precollection and payment of tax, 16-11-203
        sales unlawful when, penalty, 16-11-204, 16-11-205
Unfair competition prohibited, 16-10-102
Unlawful practices
    contracts illegal when, 16-10-302
    forgery or counterfeiting of insignia, 16-11-134, 16-11-146
    possession of cigarettes, when, 16-11-113
    sales, See **Sales, unlawful practices**
    transporting cigarettes, when, 16-11-131
    use of cigarettes, when, 16-11-133
    violations generally, penalty, 16-11-148
Use of cigarettes, unlawful when, 16-11-133
Vending machines
    display of license decal, 16-11-123
    report concerning, 16-11-121
    vendors, licenses, 16-11-120
Violations generally, See **Sales, unlawful practices; Unlawful practices**

CIGARETTE SALES ACT, Title 16, chapter 10

    See **CIGARETTES**, generally

CIGARETTE TAX LAW, Title 16, chapter 11

    See **CIGARETTES**, **Tax on**

CINEMA

    See **THEATERS; TRADE REGULATION AND COMPETITION**, **Motion pictures**

CINNABAR

    See **MINES AND MINING**, generally

CIRCUMSTANTIAL EVIDENCE

    See **EVIDENCE**, **Indirect evidence**; **Inferences**; **Presumptions**

CISTERNS

    See **WATER SUPPLY, PUBLIC**, generally

CITIES AND TOWNS

    See also **LOCAL GOVERNMENT**

Abandoned land, See **Exclusion of land**
Actions involving, See also **CIVIL PROCEDURE**, **Governmental entities, actions involving**
    declaratory judgments, 27-8-202, 27-8-301

CITIES AND TOWNS (Continued)

Actions involving (Continued)
  jurisdiction
    city court, 3-11-103, 3-11-104
    justice's court, 3-10-301, 25-31-101, 25-31-102
  statutes of limitation, 27-2-211
Additions to, Title 7, chapter 2, part 42
Advancement, See **Classification**
Aircraft landing fields, acquisition, 7-14-4801, See also **AIRPORTS AND LANDING FIELDS**, generally
Alcoholic beverage provisions, See **ALCOHOLIC BEVERAGES**
Alcoholism treatment, tax revenue for, 16-1-404, 16-1-411
Aldermen, See **CITY AND TOWN COUNCILS**
Alleys, See **STREETS**, generally
Animals
  cruelty to, 7-23-4104
  running at large, See **LIVESTOCK**, **Running at large**
Annexation by petition, Title 7, chapter 2, part 46
Annexation of contiguous government land, Title 7, chapter 2, part 44
Annexation of contiguous land, Title 7, chapter 2, part 43
Annexation of wholly surrounded land, Title 7, chapter 2, part 45
Annexation with provision of services
  appeals, 7-2-4706, 7-2-4744 — 7-2-4746
  boundaries, guidelines, 7-2-4735
  citation of planned community development act of 1973, 7-2-4701
  construction of provisions, 7-2-4718
  definitions, 7-2-4704
  effect, 7-2-4716
  effective date, 7-2-4713
  expenditures authorized, 7-2-4717
  judicial review, 7-2-4741 — 7-2-4746, 7-2-4751, 7-2-4752
  legislative findings, 7-2-4702
  notice, 7-2-4708
  order for, filing, 7-2-4714
  ordinance, 7-2-4711, 7-2-4712
  petition, 7-2-4705
  planned community development act of 1973, citation, 7-2-4701
  procedure generally, 7-2-4705
  protest, 7-2-4710
  public hearing, 7-2-4708, 7-2-4709
  purpose, 7-2-4703
  resolution, 7-2-4707
  services required, plan and report, 7-2-4731 — 7-2-4733
  simultaneous proceedings, 7-2-4715
  standards for, 7-2-4734
  tax levies, 7-2-4716
Architects, imposition of license fee or tax prohibited, 37-65-203
Athletic fields, See **RECREATION**, **Municipalities**, generally
Attorney, See **CITY ATTORNEY**
Attorneys at law, imposition of license tax prohibited, 37-61-211
Auctions, regulatory authority, 30-11-516
Automobiles, purchase contracts, See **Contracts**, generally
Avenues, See **STREETS**, generally
Band concerts, See **Public band concerts**
Bankruptcy, See **CITY FINANCE**
Barbers, barbershops, and schools or colleges — requirements, See **BARBERIN AND BARBERS**
Baths, See **Public baths**
Bicycles, See **BICYCLES**
Bicycle trails, establishment, See **BICYCLES**, **Footpaths and bicycle trails**
Blighted areas, See **URBAN RENEWAL**

CITIES AND TOWNS (Continued)

Bond issues, See **BOND ISSUES, PUBLIC**, **Municipal general obligation bonds; Municipal refunding general obligation bonds; Municipal refunding revenue bonds** — option one; **Municipal refunding revenue bonds** — option two; **Municipal revenue bonds**
Boulevards, See **STREETS**, generally
Boundary alterations, See **Annexation by petition; Annexation of contiguous government land; Annexation of contiguous land; Annexation of wholly surrounded land; Annexation with provision of services**
Bridges, See **BRIDGES**
Budgets, See **CITY FINANCE**
Buildings and building codes, See **BUILDINGS AND BUILDING REGULATIONS**
Businesses regulated by, Title 7, chapter 21, part 42
Bus service, See **BUSES**, **Municipal services**
Canals, ditches, and flumes, See **CANALS, DITCHES, AND FLUMES**
Carriers, imposition of tax on — prohibited when, 61-10-215
Cemeteries, See **CEMETERIES**
Cesspool, septic tank, and privy cleaners — applicability of provisions regarding, 37-41-102
Chief of police, See **POLICE**
Child support proceedings, city to initiate when, 40-5-109
Chiropractors, imposition of license tax or fee prohibited, 37-12-309
City and town councils, See **CITY AND TOWN COUNCILS**
City attorney, See **CITY ATTORNEY**
City clerk, See **CITY CLERK**
City courts, See **CITY COURTS**
City planning commission, See **ZONING**
City treasurer, See **CITY TREASURER**
Civic centers or stadiums, See **RECREATION**, **Municipalities**
Civil defense, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Classification, Title 7, chapter 1, part 41
  disincorporation, See **Disincorporation**
  organization and incorporation, See **Organization and incorporation**
Clerk, See **CITY CLERK**
Codes, 7-5-4202
Commissioners, park, See **PARKS**, **Municipal Board of Park Commissioners**
Commission form of government, See **MUNICIPAL COMMISSION GOVERNMENT**
Commission-manager form of government, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Commodities regulated by, Title 7, chapter 21, part 42
Communication facilities, underground conversion, See **UTILITIES**, **Underground conversion**
Community Development Act of 1973, Planned, Title 7, chapter 2, part 47, See **Annexation with provision of services**
Conservation districts, See **CONSERVATION DISTRICTS**
Consolidation, See **CITY-COUNTY CONSOLIDATION — OPTION ONE; CITY-COUNTY CONSOLIDATION — OPTION TWO**
Construction contracts, See **Contracts**, generally
Contiguous, annexation, See **Annexation of contiguous land**
Contiguous government land, annexation, See **Annexation of contiguous government land**
Contiguous land, annexation, See **Annexation of contiguous land**
Continuity in government, emergency, 10-3-604 — 10-3-606, 10-3-608
Contracts, Title 7, chapter 5, part 43
Cosmetology, practice of or teaching — imposition of license or registration fees prohibited, 37-31-323
Councilmen, See **CITY AND TOWN COUNCILS**, **Aldermen**
Councils, See **CITY AND TOWN COUNCILS**
County seat, as, See **COUNTIES**, **County seats**
Courts, See **CITY COURTS; JUSTICES' COURTS; MUNICIPAL COURTS**
Curbs, See **Sidewalks**
Curfew for minors, 7-32-2302
Dairies and dairy products, inspections, 7-21-4202, 81-2-105

CITIES AND TOWNS (Continued)

Day-care centers, See **MINORS**
Deer, unlawful to take within, 87-3-305
Dentists, imposition of license tax or fee prohibited, 37-4-307
Destruction of property by minors, liability of parent, 40-6-237, 40-6-238
Detention hospitals, See **HOSPITALS AND RELATED FACILITIES**
Development, See **PLANNING BOARDS**, generally
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Disincorporation
  assets, surplus, 7-2-4919
  automatic, 7-2-4901
  costs and expenses, 7-2-4920
  debts, payment, 7-2-4916
  election, Title 7, chapter 2, part 49
  financial condition, certification, 7-2-4911
  indebtedness, effect on, 7-2-4915
  insolvency, 7-2-4918
  police court records, disposition, 7-2-4914
  public property, release, 7-2-4913
  receivables, collection, 7-2-4916, 7-2-4917
  tax levy, 7-2-4918
  unencumbered cash, management, 7-2-4912
Disorderly conduct, See **CRIMES**
Disturbances of the peace, See **CRIMES, Disturbing the peace**
Ditches, See **CANALS, DITCHES, AND FLUMES; IRRIGATION, Ditches**
Dog control, See **DOGS**
Drivers, See **DRIVING AND DRIVERS**
Drivers' licenses, issuance, 61-5-102, See also **DRIVERS' LICENSES**
Dutch elm disease control, See **LOCAL GOVERNMENT**
Elections
  bond issues, See **BOND ISSUES, PUBLIC, Municipal general obligation bonds**
  commission form of government, See **MUNICIPAL COMMISSION GOVERNMENT**
  date, 13-1-104
  disincorporation, for, See **Disincorporation**
  mill levies, for, See **CITY FINANCE, Taxation**
  wards, for, 7-5-4401
Electric facilities
  building code exemptions, 50-60-602
  underground conversion, See **UTILITIES, Underground conversion**
Electricians, local licenses, 37-68-308
Emergencies, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Emergency ordinances, See **Ordinances and resolutions**
Eminent domain, 70-30-102, See **EMINENT DOMAIN**
Employees, See also **PUBLIC EMPLOYEES**
  attendance at meetings and conventions, 7-5-4142
  compensation and duties, 7-5-4110
  conflict of interest, 7-5-4109
  group life insurance, See **INSURANCE — LIFE, Group life; Groups and group requirements**, public employees
  hours, 7-5-4111
Engineer, See **ENGINEERS AND LAND SURVEYORS; SPECIAL IMPROVEMENT DISTRICTS, City engineer; STREET LIGHTING DISTRICTS, City engineer**
Engineers, professional — imposition of registration or license fee or tax prohibited, 37-67-304
Exclusion of land, Title 7, chapter 2, part 48
Executive powers, See **Powers**; See also **MAYORS**
Fair Practices, Code of, Title 49, chapter 3, See **DISCRIMINATION, Government state and local**
Federal buildings, jurisdiction, 2-1-203
Federal lands within, jurisdiction, 2-1-202
Financial administration, See **CITY FINANCE**
Firearms, See **WEAPONS**

CITIES AND TOWNS (Continued)

Fire departments, See **FIRE DEPARTMENTS AND FIREFIGHTERS, Municipal departments**
Firefighters' retirement, See **FIRE DEPARTMENT RELIEF ASSOCIATIONS; FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; VOLUNTEER FIREFIGHTERS' COMPENSATION**
Fireworks displays, See **FIREWORKS**
Footpaths, establishment, See **BICYCLES, Footpaths and bicycle trails**
Forms of government, See **Government**
Franchises, Title 7, chapter 5, part 43
Fraud, authority, See **FRAUD**
Gambling
  bingo and raffles, licensing and regulatory authority, 23-5-421, 23-5-422
  card games, authorized — licensing and regulatory authority, 23-5-321, 23-5-322
  ordinances prohibited, 23-5-142
General provisions, Title 7, chapter 1, part 41
Golf courses, See **RECREATION, Municipalities**, generally
Government
  commission form, See **MUNICIPAL COMMISSION GOVERNMENT**
  commission-manager form, See **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
  conduct, See generally **CITY AND TOWN COUNCILS; MAYORS**
  land, annexation, See **Annexation of contiguous government land**
  strong mayor municipal form, Title 7, chapter 3, part 41
Gutters, See **Sidewalks**
Health, Boards of, See **HEALTH, LOCAL BOARDS AND DEPARTMENTS**
Highways, Department of — contracts with, 60-2-201
Highways through, See also **STREETS**
  bypasses, 60-2-211
  contracts regarding, 60-2-201
  cooperation concerning, 60-1-102
  costs, construction and maintenance — payment, 60-2-210
  relocation projects, 60-2-211
  responsibility concerning, 60-1-102
Highway traffic safety program, See **TRAFFIC REGULATIONS, Safety program**
Hospitals, detention, See **HOSPITALS AND RELATED FACILITIES**
Housing, See **HOUSING**
Housing authorities, See **HOUSING AUTHORITIES — MUNICIPAL**
Incorporation, See **Organization and incorporation**
Indebtedness, See **CITY FINANCE**
Initiatives, See **BALLOT ISSUES**
Irrigation ditches, See **IRRIGATION, Ditches**; See also **CANALS, DITCHES, AND FLUMES**
Jails, See **JAILS, CITY**
Judicial powers, See **Powers**; See also generally **CITY COURTS; JUSTICES' COURTS; MUNICIPAL COURTS**
Justices' courts, See **JUSTICES' COURTS; SMALL CLAIMS COURT — JUSTICES' COURTS**
Land
  annexation, See **Annexation of contiguous government land; Annexation of contiguous land; Annexation of wholly surrounded land**
  eminent domain, 70-30-102, See **EMINENT DOMAIN**
  exclusion, See **Exclusion of land**
  leases, duration, 70-26-110
  partition, 70-29-206
Landscape architects, business licenses, 37-66-303
Land surveyors, imposition of registration or license fee or tax prohibited, 37-67-304
Lanes, See **STREETS**, generally
Lease of lots, duration, 70-26-110
Legislative powers, See **Powers**; See also **CITY AND TOWN COUNCILS**
Liability, See **TORTS, Governmental entities**
Libraries, See **LIBRARIES**, generally

CITIES AND TOWNS (Continued)

Licenses
  architects, prohibited, 37-65-203
  chiropractors, prohibited, 37-12-309
  cosmetology, practice of or teaching — prohibited, 37-31-323
  dentists, prohibited, 37-4-307
  electricians, 37-68-308
  engineers, professional, 37-67-304
  general provisions, Title 7, chapter 21, part 41
  landscape architects, 37-66-303
  land surveyors, prohibited, 37-67-304
  miscellaneous, 7-21-4201, 7-21-4205
  physicians, prohibited, 37-3-308, 37-3-313
  real estate brokers or salesmen, prohibited, 37-15-312
  speech pathologists and audiologists, prohibited, 37-15-311
Lighting districts, See **STREET LIGHTING DISTRICTS**
Livestock running at large, See **LIVESTOCK, Running at large**
Lobbying and lobbyists, See **LOBBYING AND LOBBYISTS**
Loitering, See **CRIMES**
Lots, state land leases, See **STATE LANDS, Agricultural, grazing, and city lot leases**
Machinery, purchase contracts, See **Contracts**, generally
Mayors, See **MAYORS**
Meat and meat products, inspections, 7-21-4202, 81-2-105
Metropolitan sanitary and/or storm sewer districts, See **METROPOLITAN SANITARY AND/OR STORM SEWER DISTRICTS**
Minors, curfew, 7-32-2302
Mob damage, responsibility, 7-5-4105
Motor vehicles
  emergency, See **MOTOR VEHICLE EQUIPMENT, Authorized emergency vehicles**; **TRAFFIC REGULATIONS, Authorized emergency vehicles**
  license plates, See **MOTOR VEHICLE LICENSE PLATES, Tax-exempt vehicles**
  tax, imposition prohibited when, 61-10-215
Municipal courts, See **MUNICIPAL COURTS**
Museums, See **RECREATION, Municipalities**, generally
Name, Title 7, chapter 1, part 41
National electrical safety code, ordinances regarding, 69-4-204
Natural gas systems, See **Utility services**
Obscene publications, See **CRIMES, Obscenity**
Officers, See **CITY OFFICERS**; See also specific officer
Off-street parking facilities, See **PARKING COMMISSIONS**, generally; **PEDESTRIAN MALLS OR OFF-STREET PARKING FACILITIES**
Open ditches, See **CANALS, DITCHES, AND FLUMES**
Open meeting provisions, See **OPEN MEETINGS**
Opium sales or use, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dangerous drugs**
Ordinances and resolutions
  alcoholic beverages
    business hours for retail establishments, 16-3-304
    licenses, restrictions on issuance prohibited, 16-3-309, 16-4-405
    sales prohibited, when, 16-3-309
  city attorney to prosecute, 3-11-301
  city court, combination with justice's court, 3-10-101
  city judges, salary fixed by, 3-11-202, 3-11-205
  declaratory judgments on, 27-8-202, 27-8-301
  driving while under the influence of alcohol or drugs, 61-8-401
  firefighters' unified retirement system, election to join, 19-13-108
  general provisions, Title 7, chapter 5, part 42
  inspections of livestock and their food products, 81-2-105
  jurisdiction
    city court, 3-11-103, 3-11-104
    justice's court, 3-10-301
  motor vehicle accident reports, 61-7-116
  plumbers, unlicensed — employment, 37-69-301

CITIES AND TOWNS (Continued)

Ordinances and resolutions (Continued)
  police officers' retirement system, election to join, 19-9-107
  public libraries, establishment, 22-1-303, See also **LIBRARIES, Public libraries**, generally
  reckless driving, 61-8-301
  statutes of limitation on violation, 27-2-211
Organization and incorporation, Title 7, chapter 2, part 41
Park Commissioners, See **PARKS, Municipal Board of Park Commissioners**
Parking
  areas, Title 7, chapter 14, part 45
  commissions, See **PARKING COMMISSIONS**
  districts, abandonment, Title 7, chapter 12, part 45
  handicapped persons, permits for, 49-4-301 — 49-4-306
  meters, Title 7, chapter 14, part 45
  off-street facilities, See **PARKING COMMISSIONS**, generally; **PEDESTRIAN MALLS OR OFF-STREET PARKING FACILITIES**
Parks, See **PARKS, Municipal parks**
Pedestrian malls, See **PEDESTRIAN MALLS OR OFF-STREET PARKING FACILITIES**
Pedestrians, See **PEDESTRIANS**
Physicians, imposition of license tax or fee prohibited, 37-3-308, 37-3-313
Planned Community Development Act of 1973, Title 7, chapter 2, part 47, See **Annexation with provision of services**
Planning boards, See **PLANNING BOARDS**
Playgrounds, See **RECREATION, Municipalities**, generally
Plumbing installations
  exemption from licensing provisions when, 37-69-102
  unlicensed plumbers, employment when, 37-69-301
Poisons, sale, See **POISON**
Police, See **POLICE**
Police courts, See **CITY COURTS**
Police officers' retirement systems, See **POLICE OFFICERS' RETIREMENT SYSTEM — LOCAL FUNDS; POLICE OFFICERS' RETIREMENT SYSTEM — STATE PLAN**
Powers, Title 7, chapter 1, part 41
  injunction to prevent legislative act, 27-19-103
Power site leases, See **STATE LANDS, Power site leases or licenses**
Printing contracts, 7-5-4108
Prisons, See **JAILS, CITY**
Property
  destruction by minor, 40-6-237, 40-6-238
  disposal or lease, 7-8-4201
Public band concerts, Title 7, chapter 16, part 41
Public baths, Title 7, chapter 16, part 41, See also **SWIMMING POOLS AND SWIMMING AREAS**
  defined, 50-53-102
Public grounds, Title 7, chapter 14, part 41
Public recreation, expenditures for, 20-7-801
Public utilities, See **Utility services**, generally; See also **UTILITIES**
Purchase contracts, See **Contracts**, generally
Railroads
  crossings, See **RAILROADS, Highway crossings**
  facilities, location, 69-14-202
  regulation, See **CITY AND TOWN COUNCILS**
  speed within, 69-14-562
Real estate brokers or salesmen, imposition of license tax or fee prohibited, 37-51-312
Reclassification, See **Classification**
Records, 7-5-4124
Recreational facilities, See **RECREATION, Municipalities**
Recreation, Board of — creation, 20-7-802
Recreation programs, school district cooperation, See **SCHOOL DISTRICTS, Public recreation programs**

CITIES AND TOWNS (Continued)

Reduction in classification, See **Classification**
Referenda, See **BALLOT ISSUES**
Refuse disposal districts, See **REFUSE DISPOSAL DISTRICTS**
Rehabilitation, See **URBAN RENEWAL**
Resolutions, See **Ordinances and resolutions**
Retirement systems affecting, See **FIRE DEPARTMENT RELIEF ASSOCIATIONS; FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; POLICE OFFICERS' RETIREMENT SYSTEM — LOCAL FUNDS; POLICE OFFICERS' RETIREMENT SYSTEM — STATE PLAN; VOLUNTEER FIREFIGHTERS' COMPENSATION**
Riot, statute of limitations for relief on injury caused by, 27-2-209
Road machinery, purchase contracts, See **Contracts**, generally
Roads, See **STREETS**, generally; See also **COUNTY ROADS AND BRIDGES**
Schools
  buildings or land leased from, 20-6-625
  safety patrols, training, 20-1-408
Sewage and sewers, See **Water and sewer systems**; See also generally **COUNTY WATER AND/OR SEWER DISTRICTS; METROPOLITAN SANITARY AND/OR STORM SEWER DISTRICTS; MUNICIPAL SEWAGE AND/OR WATER SYSTEMS; SUBDIVISIONS, Sanitation; WATER QUALITY; WATER SUPPLY, PUBLIC**
Shoplifting, See **CRIMES, Theft**
Sidewalks, See also **PEDESTRIANS; TRAFFIC REGULATIONS**
  blind persons
    canes, color and use of — penalty for violations, 49-4-213, 49-4-217
    dogs, guide — provisions respecting, 49-4-214
    pedestrians' duty and liability to, 49-4-216, 49-4-217
    rights and privileges, penalty for denial or interference with, 49-4-211, 49-4-215 — 49-4-217
  construction costs, payment, 60-2-210
  deaf persons
    dogs, hearing — provisions respecting, 49-4-214
    rights and privileges, penalty for denial or interference with, 49-4-211, 49-4-215
  general provisions, Title 7, chapter 14, part 41
  maintenance costs, payment, 60-2-210
Skating rinks, See **RECREATION, Municipalities**, generally
Slaughterhouses, inspections, 81-2-105
Snowmobiles, permits for operation issued by, 23-2-631
Soil conservation districts, See **CONSERVATION DISTRICTS**
Soil survey and mapping program, See **SOIL SURVEYS**, generally
Solid waste management, See **SOLID WASTE MANAGEMENT**
Special improvement districts, See **SPECIAL IMPROVEMENT DISTRICTS**
Speech pathologists and audiologists, imposition of license tax prohibited, 37-51-311
Speed limits, See **TRAFFIC REGULATIONS**
Sprinkling districts, See **STREET SPRINKLING DISTRICTS**
State land leases for city lots, See **STATE LANDS, Agricultural, grazing, and city lot leases**
Street lighting districts, See **STREET LIGHTING DISTRICTS**
Street parking districts, abandonment, See **Parking**
Streets, See **STREETS**
Street sprinkling districts, See **STREET SPRINKLING DISTRICTS**
Strong mayor municipal government, See **Government**
Succession of officials, emergency, 10-3-604 — 10-3-606
Swimming pools, See **RECREATION, Municipalities**; See also **SWIMMING POOLS AND SWIMMING AREAS**
Taxation, See **CITY FINANCE**
Technical codes, 7-5-4202
Television districts, See **TELEVISION DISTRICTS**
Timber, injury to, 70-16-107
Torts, See **TORTS, Governmental entities**
Town clerk, See **CITY CLERK**
Town councils, See **CITY AND TOWN COUNCILS**

CITIES AND TOWNS (Continued)

Traffic regulations, See **TRAFFIC REGULATIONS**
Traffic safety program, See **TRAFFIC REGULATIONS, Safety program**
Trafficways, See **Sidewalks**; See also **STREETS**
Transportation, See **BUSES, Municipal services**; **TRANSPORTATION — URBAN DISTRICTS**
Treasurer, See **CITY TREASURER**
Trees
  injury to, 70-16-107
  planting, 7-16-4102
Trucks, purchase contracts, See **Contracts**, generally
Underground Conversion of Utilities Law, See **UTILITIES, Underground conversion**
University system units, agreements concerning traffic citations, 20-25-322
Urban renewal, See **URBAN RENEWAL**
Utilities, See **Utility services**; See also **UTILITIES**
Utility services
  general provisions, Title 7, chapter 13, part 41
  refuse disposal, See **REFUSE DISPOSAL DISTRICTS**
  sewer systems, See **Water and sewer systems**
  water supply, See **Water supplies and treatment**; See also **WATER SUPPLY, PUBLIC**
  water systems, See **Water and sewer systems**; See also **WATER SUPPLY, PUBLIC**
Vacancies in government, emergency, 10-3-604 — 10-3-606
Vacated land, See **Exclusion of land**
Vagrancy, See **CRIMES, Loitering**
Vehicles, See **Motor vehicles**
Warrants, See **CITY FINANCE**
Waste disposal generally, See **REFUSE DISPOSAL DISTRICTS**; **SOLID WASTE MANAGEMENT**; **WASTE DISPOSAL**, generally
Water and sewer systems, See also **MUNICIPAL SEWAGE AND/OR WATER SYSTEMS**
  bonds for, See **BOND ISSUES, PUBLIC, Municipal general obligation bonds**; **Municipal revenue bonds**
  cemeteries, free provision to, 35-20-215
  districts, See **COUNTY WATER AND/OR SEWER DISTRICTS**; **METROPOLITAN SANITARY AND/OR STORM SEWER DISTRICTS**
  plans and specifications, 18-2-122
  plumbing installations, See **Plumbing installations**
  public sewer systems, Title 7, chapter 13, part 42
Water regulation, 7-13-4401
Water supplies and treatment, Title 7, chapter 13, part 44, See also **WATER SUPPLY, PUBLIC**
Weed control, See **WEEDS AND WEED CONTROL**
Wheelchairs, self-propelled — use regulations, 49-4-312
Wildlife research and management, agreements for, 87-1-210
Winter work program, Title 7, chapter 16, part 43
Workhouses, See **JAILS, CITY**
Work week, 7-5-4111
Youth centers, See **RECREATION, Municipalities**
Zoning, See **ZONING, Municipal**

CITIZEN'S ARREST

  See **ARREST, Private person, arrest by**

CITIZENS, MONTANA

  See **RESIDENCE**

CITIZENS, UNITED STATES

Attorneys at law, qualification for admission to bar, 37-61-202, 37-61-208

CITIZENS, UNITED STATES (Continued)

Bingo licenses, 23-5-422
Birth date, judicial determination, 27-32-101, 27-32-102, 27-32-202, 27-32-301
Card games licenses, 23-5-322
Coal mine inspectors, 50-73-401
Concealed weapons permit, 45-8-319
Corporation receivers, 35-1-923, 35-2-713
Dentistry, Board of — requirement for membership, 2-15-1842
District court judge, 3-5-202
Electors, qualification, 13-1-111, 13-2-206
Fraternal benefit societies, incorporators — requirements, 33-7-201
Gambling licenses, 23-5-322, 23-5-422
Highway patrolmen, 44-1-401
Insurers, domestic stock and mutual — requirements for incorporators, 33-3-201
Justices of the peace, 3-10-204
Lobbyists, license requirements, 5-7-103
Medical Examiners, Board of — requirement for membership, 2-15-1841
Medicine, certificate for practice of, 37-3-304
Militia officers, 10-1-201
Naturalization, See **NATURALIZATION**
Notaries public, qualification, 1-5-402
Nursing, Board of
    membership, requirement for, 2-15-1844
    secretary, qualification, 37-8-204
Pharmacists, Board of — assistant to, 37-7-104
Physicians, certificate for practice of medicine, 37-3-304
Private investigators and patrol operators, qualification for licensure, 37-60-304
Professional Engineers and Land Surveyors, Board of — requirement for membership, 2-15-1873
Psychologists, Board of — requirement for membership, 2-15-1851
Public contractors, contract letting provisions, 18-2-403
Raffles licenses, 23-5-422
Receivers, 35-1-923, 35-2-713
State land sales
    certificate of purchase, assignability, 77-2-334
    requirements, 77-2-306
Supreme court justice, 3-2-102
Voters, qualification, 13-1-111, 13-2-206

CITY AND TOWN COUNCILS

Airport establishment, council as governing body, 67-10-202
Alcoholic beverages, local licenses and fees established by, 16-4-503
Aldermen
    commission form of government, for, See **MUNICIPAL COMMISSION GOVERNMENT, Councilmen**
    qualifications, 7-4-4401
    term of office, 7-4-4402
Annexation by petition, duties, Title 7, chapter 2, part 46
Annexation of contiguous land, duties, Title 7, chapter 2, part 43
Bonds for city officers and employees, purchase, 2-9-802, 2-9-804
Budget duties, Title 7, chapter 6, part 42
Building regulations, powers, Title 7, chapter 15, part 41
Business, conduct, 7-5-4121
Census, 7-5-4107
Clerk, certification of planning board members, 76-1-221
Commission form of government, petition for, Title 7, chapter 2, part 42
Commission-manager form of government, petition for, Title 7, chapter 2, part 43
Condemnation powers, 7-5-4106
Conflict of interest, 7-5-4109
Councilmen, See **Aldermen**
Discipline, 7-5-4103
Finance, duties, Title 7, chapter 6, part 41

CITY AND TOWN COUNCILS (Continued)

Fire department relief association disability and pension fund, special tax levy for, 19-11-504
Fire services, powers, See **FIRE DEPARTMENTS AND FIREFIGHTERS; FIRES AND FIRE PROTECTION**
Flood control projects, duties, See **FLOODS, Control projects**, generally
Floodplain and floodway delineation programs, notification regarding, 76-5-201
Gambling licenses issued by, 23-5-321, 23-5-322, 23-5-421, 23-5-422
Housing authorities, duties, Title 7, chapter 15, part 44
Housing, powers, Title 7, chapter 15, part 41
Libraries, appointment of board of trustees, 22-1-308
Licensing powers, Title 7, chapter 21, part 41
  wage brokers, 31-1-302
Mayors, See **MAYORS**
Meetings, 7-5-4122
Metropolitan sanitary and/or storm sewer districts, duties, Title 7, chapter 13, part 1
Motor carrier certificate proceedings, party to, 69-12-321
Nuisance control, 7-5-4104
Officers, 7-4-4403
Pipeline construction, permission required, 69-13-103
Planning boards
  establishment, 76-1-105
  master plan, use, 76-1-605, 76-1-606
  member of council to serve on, 76-1-222
  members, appointment, 76-1-201, 76-1-211, 76-1-221
  subdivision plats, advice regarding, 76-1-606
  vacancies filled by, when, 76-1-222
  zoning commission, city-county board as, 76-1-108
Plumbers, unlicensed — employment when, 37-69-301
Police officers' disability retirement, determination of eligibility, 19-10-402
Powers generally, 7-5-4101
Printing contracts, 7-5-4108
Proceedings, journal of, 7-5-4123
Public utilities, See **Utilities**
Railroads
  lighting and crossing requirements, 7-14-4302
  regulation, 7-14-4301, 7-14-4303
  street railroads, regulation, 7-14-4303
Refuse disposal districts, duties, Title 7, chapter 13, part 2
Rules, 7-5-4103
Sewer systems, public — duties, Title 7, chapter 13, part 42
Special improvement districts
  creation, authorization, 69-4-311, See **UTILITIES, Underground conversion**, governing bodies
  duties, Title 7, chapter 12, parts 41 and 42
Street lighting districts, duties, Title 7, chapter 12, part 43
Street sprinkling districts, duties, Title 7, chapter 12, part 44
Subdivision plats, approval for filing, 76-1-606
Tax deed lands, order for application for deed, 15-18-203
Taxing authority, 19-11-504
Utilities
  lines and facilities, powers regarding, 69-4-101
  underground conversion, duties, See **UTILITIES, Underground conversion**, governing bodies
Wage brokers, licensing, 31-1-302
Water conservation and flood control projects, duties, See **FLOODS, Control projects**, generally
Water regulation, powers, 7-13-4401
Water supply, powers, Title 7, chapter 13, part 44
Zoning
  administration of provisions, 76-2-303
  authorization, 76-2-301
  board of adjustment, appointment, 76-2-321

CITY AND TOWN COUNCILS (Continued)

Zoning (Continued)
  boundaries of municipality, extension of regulations beyond, 76-2-310, 76-2-311
  commission, appointment and reports from, 76-2-307
  community residential facilities, penalties for violations, 76-2-315
  districts, division into, 76-2-302
  ordinances
    enforcement, 76-2-308
    interim, 76-2-306
  regulations
    amendment, vote requirement, 76-2-305
    enforcement, 76-2-308

CITY ATTORNEY

See also generally **CITY OFFICERS**; **PUBLIC OFFICERS**

Appointment, 7-4-4602
Attorney general opinions, 2-15-501
Audit reports issued to, 2-7-514
Bonds for city officers and employees, approval of form, 2-9-803
Cities of third class, legal services for, 7-4-4606
Counsel, special — employment, 7-4-4605
Duties, 7-4-4604
Jurisdiction, 3-11-301
Livestock, Department of — prosecution of Montana quality label violations, 81-8-705
Police retirement fund board of trustees, member of, 19-10-201
Prosecution responsibilities, 3-11-301
Public officers or employees
  account discrepancies, reports concerning, 2-7-511
  violations by, prosecution, 2-7-515
Qualifications, 7-4-4601
Removal or suspension, 7-4-4603
Search and seizure, application for warrant filed by, 3-11-102
Term of office, 7-4-4602
Title abstracts or certificates of title reviewed when, 76-3-612

CITY AUDITOR

Conservation district project area budget, 76-15-622

CITY BOARDS OF HEALTH

See **HEALTH, LOCAL BOARDS AND DEPARTMENTS**

CITY CLERK

See also generally **CITY OFFICERS**; **PUBLIC OFFICERS**

Airport influence area, designation map filed with, 67-4-201
Annexation by petition, duties, Title 7, chapter 2, part 46
Annexation of contiguous government land, duties, Title 7, chapter 2, part 44
Annexation of contiguous land, duties, Title 7, chapter 2, part 43
Attachment of property controlled by city, service of writ upon, 27-18-406
Audit reports issued to, 2-7-514
Bonds
  city officers and employees, filing and recording, 2-9-803
  official, filing of statement for release of surety, 2-9-523
  public contracts, for — filing, 18-2-201
Budget duties, Title 7, chapter 6, part 42
City officers' and employees' bonds, filing and recording, 2-9-803
Code of Fair Campaign Practices, to supply forms, 13-35-302
Criminal fines, receipt deposited with, 46-17-303
Duties, 7-6-4403; Title 7, chapter 4, part 45; Title 7, chapter 6, part 41

CITY CLERK (Continued)

Elections, to supply code of fair campaign practices forms, 13-35-302
Engineers, registered professional — copy of roster filed with, 37-67-318
Federal government, filing of maps or plats by, 2-1-202
Fines, receipt deposited with, 46-17-303
Fire departments, annual reports, 19-11-511
Housing authorities, duties, Title 7, chapter 15, part 44
Land surveyors, registered — copy of roster filed with, 37-67-318
Licensing duties, Title 7, chapter 21, part 41
Municipal court, as clerk, 3-6-301, See also **MUNICIPAL COURTS**
Official bonds, statement for release of surety filed with, 2-9-523
Ordinance book, 7-4-4503, 7-4-4513
Police retirement fund board of trustees, member of, 19-10-201
Property valuation statements delivered to, 20-9-122
Public contract bonds, filing, 18-2-201
Public fund deposits, interest requirements, 17-6-104
Public officers, signatures filed with, 2-16-114
Special improvement districts, duties, Title 7, chapter 12, parts 41 and 42
Street lighting districts, duties, Title 7, chapter 12, part 43
Subdivision plat ordinances, filing, 76-1-606
Taxation
    notice of property without sufficient security, 15-16-111
    tax deed, application for, 15-18-203
Town clerk, duties, 7-6-4404; Title 7, chapter 4, part 45; Title 7, chapter 6, part 41
United States, filing of maps or plats by, 2-1-202
Utility rate hearing decisions filed with, 69-7-112

CITY COMMISSIONERS

Police officers, gifts to — approval for retention by officer, 19-10-304

CITY-COUNTY BOARDS OF HEALTH

    See **HEALTH, LOCAL BOARDS AND DEPARTMENTS**

CITY-COUNTY CONSOLIDATION — OPTION ONE

Authorization, 7-3-1101
Effect, 7-3-1103
Plan, 7-3-1102
Powers generally, 7-3-1104
Rules, ordinances, and resolutions, 7-3-1105

CITY-COUNTY CONSOLIDATION — OPTION TWO

Appointees, See **Officers and employees**
Assessor, Title 7, chapter 3, part 13
Attorney, See **Legal adviser**
Authorization, 7-3-1201
Characteristics, 7-3-1202
City court, Title 7, chapter 3, part 13
Claims, Title 7, chapter 3, part 13
Commission, Title 7, chapter 3, part 12
Contracts
    effect on, 7-3-1210
    generally, Title 7, chapter 3, part 13
County attorney, See **Legal adviser**
County Board of Health, See **Health, County Board of**
Departments, Title 7, chapter 3, part 12
    advisory boards, Title 7, chapter 3, part 12
    finance, See **Finance, Department of**
    fire, See **Fire department**
    health, See **Health, Department of**

CITY-COUNTY CONSOLIDATION — OPTION TWO (Continued)

Departments (Continued)
  law, See **Law, Department of**
  police, See **Police department**
  public works, See **Public Works, Department of**
Depository banks, Title 7, chapter 3, part 13
Director of Finance, See **Finance, Director of**
Elections, Title 7, chapter 3, part 12
Emergency measures, 7-3-1224
Employees, See **Officers and employees**
Finance, Department of
  director, See **Finance, Director of**
  divisions
    assessment, Title 7, chapter 3, part 13
    audit and accounts, Title 7, chapter 3, part 13
    purchase and supplies, Title 7, chapter 3, part 13
    treasury, Title 7, chapter 3, part 13
Finance, Director of, Title 7, chapter 3, parts 12 and 13
Fire department, Title 7, chapter 3, part 13
Fiscal year, 7-3-1302
Health, County Board of, Title 7, chapter 3, part 13
Health, Department of, Title 7, chapter 3, part 13
Indebtedness, Title 7, chapter 3, part 13
Initiative measures
  effective date, 7-3-1223
  petitions, See **Petitions**
Law, Department of, Title 7, chapter 3, part 13
Law enforcement officers, Title 7, chapter 3, part 13
  retirement systems, effect on, 19-7-308, 19-9-404
Legal adviser, Title 7, chapter 3, part 13
Manager, Title 7, chapter 3, part 12
Officers and employees
  commission officers, See **Commission**
  existing officers, treatment, 7-3-1212
  generally, Title 7, chapter 3, part 12
Ordinances and resolutions
  codification, 7-3-1226
  effective date, 7-3-1223
  emergency measures, 7-3-1224
  enactment procedures, Title 7, chapter 3, part 12
  existing, effect on, 7-3-1211
  initiative measures, See **Initiative measures**; **Petitions**
  referendum measures, See **Petitions**
  tax levies for, See **Tax levies**
  vote requirements, 7-3-1225
Petitions
  generally, Title 7, chapter 3, part 12
  initiative, Title 7, chapter 3, part 12
  nominating, See **Elections**
  recall, Title 7, chapter 3, part 12
  referendum, Title 7, chapter 3, part 12
Police department, Title 7, chapter 3, part 13
Powers, 7-3-1203
Public works and improvements
  effect of consolidation, 7-3-1210
  generally, Title 7, chapter 3, part 13
Public Works, Department of, Title 7, chapter 3, part 13
Purchasing agent, Title 7, chapter 3, part 13
Recall, See **Petitions**
Referendum measures, See **Petitions**
Resolution declaring creation, 7-3-1209
Resolutions generally, See **Ordinances and resolutions**
Sinking funds, Title 7, chapter 3, part 13

CITY-COUNTY CONSOLIDATION — OPTION TWO (Continued)

Superintendent of schools, Title 7, chapter 3, part 13
Tax levies, Title 7, chapter 3, part 13
Transition, effectuation, 7-3-1213
Treasurer, Title 7, chapter 3, part 13
Warrants, Title 7, chapter 3, part 13

CITY-COUNTY PLANNING BOARDS

See **PLANNING BOARDS**

CITY COURTS

See also generally **COURTS; JUDGES AND JUSTICES; MUNICIPAL COURTS**

Abolishment, 3-6-102
Adjournment, 25-32-104, See also **COURTS**
Answer, 25-32-104
Appeal in district court, 3-5-303, 3-11-301, 46-17-311, See also **APPEALS, CIVIL, Limited jurisdiction, from courts of; APPEALS, CRIMINAL**, generally
Applicability of laws, 25-30-101, 25-32-101
City attorney to prosecute actions, 3-11-301
Commencement of action, 25-32-102
Complaint, 25-32-102
Contempt, 3-11-303, See also **CONTEMPT**
Convening hours, 3-11-101
Costs, 25-1-401, 25-31-1002, 46-8-201
Court of justice, enumerated as, 3-1-101
Courtroom, provision, 3-11-206
Criminal proceedings, 46-1-101, See **CRIMINAL PROCEDURE**, **Justices' and city courts, proceedings in**
Deposit of money in lieu of undertakings, 25-1-401
Establishment, 3-11-101
Facilities, provision, 3-11-206
Hours to be convened, 3-11-101
Judges, See also generally **JUDGES AND JUSTICES; PUBLIC OFFICERS**
  abolishment of office, 3-6-102
  conflict of interest, 3-11-203
  defined, 1-1-202, 46-1-201
  disqualification, See **JUDGES AND JUSTICES**
  driver improvement program, referrals to, 61-2-302
  drug users, report to county attorney by judge, 46-9-203
  facilities, provision, 3-11-206
  jurisdiction, See **Jurisdiction**
  justice of the peace
    city judge to have same jurisdiction when, 3-11-102
    presider in city court when, 3-10-101, 3-11-201, 3-11-203, 3-11-205
  justice's court, city judge to preside when, 3-10-231
  magistrate, defined as, 46-1-201
  salary, 3-11-202
  substitute to be called when, 3-1-802, 3-11-203
  term of office, 3-11-201
  training session required, 3-11-204
  travel expenses, 3-11-202, 3-11-204
Juries and jurors, fees, 25-31-1004, See also **JURIES AND JURORS, Limited jurisdiction, juries in courts of**
Jurisdiction
  alcoholic beverage violations by minors, 41-5-203
  appellate jurisdiction in district court, 3-5-303, 3-11-301
  assumption by municipal court, 3-6-101
  concurrent
    justice's court when, 3-11-102

CITY COURTS (Continued)

Jurisdiction (Continued)
  concurrent (Continued)
    municipal court, 61-12-601
    youth court, 41-5-203
  contempt, 3-11-303
  cosmetics, detainer or embargo of adulterated or misbranded articles, 50-31-509
  criminal, 3-11-102, 3-11-103, 46-2-203
  drugs, detainer or embargo of adulterated or misbranded articles, 50-31-509
  exclusive when, 3-11-103, 3-11-104
  food, detainer or embargo of adulterated or misbranded articles, 50-31-509
  hazardous substances, 50-30-307
  mattresses, seizure and destruction upon condemnation, 50-36-106
  minors, unlawful operation of motor vehicles, 61-12-601
  municipal court, assumption by, 3-6-101
  taxation, assessment violations, 15-8-309
Justices' courts
  applicability of laws, 25-32-101
  combination with, 3-10-101, 3-11-205
Money, deposit in lieu of undertakings, 25-1-401
Municipal courts
  applicability of laws, 25-30-101
  effect, 3-6-101, 3-6-102
Parties, 3-11-302
Police courts renamed, 3-11-101
Security, 25-1-401
Summons, 25-32-103
Trial, 25-32-104
Undertakings, money in lieu of, 25-1-401

CITY ENGINEER

  See **ENGINEERS AND LAND SURVEYORS**; **SPECIAL IMPROVEMENT DISTRICTS**; **STREET LIGHTING DISTRICTS**

CITY FINANCE

  See also **LOCAL FINANCE**

Annual statements
  financial, Title 7, chapter 6, part 41
  receipts and expenditures, Title 7, chapter 6, part 41
Appropriations, Title 7, chapter 6, part 41
Assessments, Title 7, chapter 6, part 44
  notice, inclusion in property tax and assessment notices, 15-16-101
  open-space land purposes, for, 76-6-109
Audits of, See **ADMINISTRATION, DEPARTMENT OF, Audits of governmental entities**
Bankruptcy, Title 7, chapter 7, part 41
Bonds, See also **BOND ISSUES, PUBLIC, Local government**; **Municipal general obligation bonds**; **Municipal refunding general obligation bonds**; **Municipal refunding revenue bonds** — option one; **Municipal refunding revenue bonds** — option two; **Municipal revenue bonds**
  insurers, investment in, 33-2-812, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY, Investments**
  tort claims, payment of judgment liability, 2-9-316
Budget
  administration, department of — duties, Title 7, chapter 6, part 42
  appropriations, Title 7, chapter 6, part 42
  citation of municipal budget law, 7-6-4201
  construction of provisions, 7-6-4204
  definitions, 7-6-4202
  estimates, Title 7, chapter 6, part 42

CITY FINANCE (Continued)

Budget (Continued)
  expenditures, Title 7, chapter 6, part 42
    emergency, See **Emergency expenditures**
  final, Title 7, chapter 6, part 42
  fund requirements, Title 7, chapter 6, part 42
  municipal budget law, citation, 7-6-4201
  planning boards, tax levy for, See **PLANNING BOARDS**
  preliminary, 15-10-203, 15-10-204; Title 7, chapter 6, part 42
  revenues, 15-10-203, 15-10-204; Title 7, chapter 6, part 42
  scope of provisions, 7-6-4203
  surety bond premiums, 2-9-805
  tax levy, 15-10-203, 15-10-204; Title 7, chapter 6, part 42
  warrants, unpaid and outstanding, Title 7, chapter 6, part 42
Capital improvement program fund, Title 7, chapter 6, part 41
Cash basis, business conducted on, Title 7, chapter 6, part 41
City clerk, duties, See **CITY CLERK**
City court, when combined with justice's court, 3-10-101
City treasurer, duties, See **CITY TREASURER**
Claims, Title 7, chapter 6, part 43
Councils, duties, See **CITY AND TOWN COUNCILS**
Deposit of public money, Title 7, chapter 6, part 46
Emergency expenditures, Title 7, chapter 6, part 42
Fiscal year, 7-6-4101
Funds, generally, Title 7, chapter 6, part 41, See also **CITY TREASURER**, specific fund
Health boards, local — funding, 50-2-110, 50-2-111
Indebtedness
  bonds, See **BOND ISSUES, PUBLIC**, **Municipal general obligation bonds**; **Municipal refunding general obligation bonds**; **Municipal refunding revenue bonds** — option one; **Municipal refunding revenue bonds** — option two; **Municipal revenue bonds**
  general provisions, Title 7, chapter 7, part 41
Investment of public money, Title 7, chapter 6, part 46
Judgments, payment, Title 7, chapter 6, part 41
Justices' courts, when city courts combined with, 3-10-101
Mill levies, See **Taxation**, levies
Municipal Budget Law, Title 7, chapter 6, part 42, See **Budget**
Municipal Revenue Bond Act of 1939, Title 7, chapter 7, part 44, See **BOND ISSUES, PUBLIC**, **Municipal revenue bonds**
Oil and gas severance tax, revenue from, 15-36-112
Payments of debts and expenses, Title 7, chapter 6, part 41
Reports and records, Title 7, chapter 6, part 41
Revenue Bond Refinancing Act of 1937, Title 7, chapter 7, part 46, See **BOND ISSUES, PUBLIC**, **Municipal refunding revenue bonds** — option two
Taxation, See also **TAXATION**
  aircraft, exempt from property tax, 67-3-201
  airports
    exemption, 67-10-406, 67-11-306
    levies for, 67-10-401, 67-10-402, 67-10-406, 67-11-201, 67-11-301, 67-11-303
  annexation of land subject to, See **CITIES AND TOWNS**, **Annexation with provision of services**
  assessments for, See **Assessments**
  auctions, 30-11-516
  authority for, 19-9-704, 19-10-301, 19-11-503, 19-11-504
  band concerts, levy for, Title 7, chapter 16, part 41
  bonds, for, See **BOND ISSUES, PUBLIC**, **Municipal general obligation bonds**
  budget, for, See **Budget**
  civil defense, 10-3-405
  conservation easements, property subject to, 76-6-208
  day-care facilities, for, 7-16-4114
  disincorporation, levy concerning, See **CITIES AND TOWNS**, **Disincorporation**
  emergencies, 10-3-405
  exclusion of land, jurisdiction, See **CITIES AND TOWNS**, **Exclusion of land**

CITY FINANCE (Continued)

Taxation (Continued)
  firefighters' disability and pension fund, 19-11-503, 19-11-504
  firefighters' unified retirement system contributions, 19-13-606
  fraternal benefit societies, exemption when, 33-7-407
  general provisions, Title 7, chapter 6, part 44
  insurers
    premium tax in lieu of, 33-2-705
    state, preemption, 33-2-707
  levies
    all-purpose distribution, Title 7, chapter 6, part 41
    increase, notice of intention, 15-10-203
  libraries
    county libraries, cities exempt when, 22-1-313
    levies for
      federations, 22-1-403
      joint city-county libraries, 22-1-316
      public libraries, 22-1-304
  motor fuel tax, See **LOCAL FINANCE, Taxation**
  oil and gas severance tax revenue, 15-36-112
  open-space land purposes, for, 76-6-109
  planning boards, for, See **PLANNING BOARDS, Tax levies**
  police retirement
    funds, city contributions, 19-10-301
    revenue for, 19-9-704
  protest payments, 15-1-402
  records, destruction, 15-1-104
  recreational facilities, for, See **RECREATION, Municipalities**
  special fuels taxes, allocation of revenue, 15-70-101
  tort claims
    insurance premiums, payment, 2-9-212
    judgment liability, 2-9-316
  volunteer fire departments, revenue for, See **FIRE DEPARTMENTS AND FIREFIGHTERS, Volunteer departments**
Town clerk, duties, See **CITY CLERK**
Warrants
  emergency, See **Emergency expenditures**
  general provisions, Title 7, chapter 6, part 45
  public fund deposits, security for, 17-6-103, 17-6-211
  unpaid and outstanding, See **Budget**

CITY HEALTH BOARDS AND OFFICERS

  See **HEALTH, LOCAL BOARDS AND DEPARTMENTS; HEALTH OFFICERS, LOCAL**

CITY JAILS

  See **JAILS, CITY**

CITY JUDGES

  See **CITY COURTS, Judges**

CITY OFFICERS

  See also **PUBLIC OFFICERS**, generally; specific officer

Appointive, Title 7, chapter 4, part 41
Attendance at meetings and conventions, 7-5-4142
Bond payment funds, liability, 20-9-445, 20-9-446

CITY OFFICERS (Continued)

Bonds, official, 7-4-4109, See also **SURETY BONDS, City officers and employees; Official bonds**
Child support enforcement, cooperation, 40-5-206
Commission form of government, for, See **MUNICIPAL COMMISSION GOVERNMENT**
Compensation, See **Salaries**
Conflict of interest, 7-5-4109
Consolidation of offices, 7-4-4106
Duties generally, 7-4-4110
Enumeration, Title 7, chapter 4, part 41
Ethics, code of, See **CODE OF ETHICS**
Membership in organizations, 7-5-4141
Municipal executive, 7-4-4114
New cities or towns, for, See **CITIES AND TOWNS, Organization and incorporation**
New, election, Title 7, chapter 1, part 41
Oath, 7-4-4108
Official bonds, 7-4-4109, See also **SURETY BONDS, City officers and employees; Official bonds**
Qualifications generally, 7-4-4104
Records, old — destruction, 7-5-4124
Reports, 7-5-4112
Revenue, Department of — cooperation with, 2-7-105
Salaries, Title 7, chapter 4, part 42
Streets, responsibility concerning, 60-1-102
Term of office, 7-4-4107
Vacancies in office, Title 7, chapter 4, part 41

CITY PLANNING BOARDS

See **PLANNING BOARDS**

CITY TREASURER

See also generally **CITY OFFICERS; PUBLIC OFFICERS**

Abandoned vehicle sales, proceeds, 61-12-407
Band fund, public recreation expenditures from, 20-7-801
Budget duties, Title 7, chapter 6, part 42
Criminal actions
  assigned counsel, cost of, 46-8-201
  bail forfeitures, payment to, 46-9-504
  fines, deposit with, 46-17-303, 46-17-304, 46-17-402
Deposits of public funds, interest requirements, 17-6-104
Duties, 7-6-4402; Title 7, chapter 6, part 41
Fire department relief associations
  disability and pension fund
    state contributions, procedures for, 19-11-512, 19-11-514, 19-11-606
    transfer of moneys to, 19-11-106
  ex officio treasurer, as, 19-11-103
Firefighters' unified retirement contributions, remittance, 19-13-605
Funds, See specific fund
General fund, traffic fines, 61-12-703
Libraries, joint city-county — funds respecting, 22-1-316
Licensing duties, Title 7, chapter 21, part 41
Motor vehicle fees, 61-3-203
Municipal court fees and fines, deposit, 25-30-102
Park fund, public recreation expenditures from, 20-7-801
Police retirement contributions, duties, 19-9-703
Police retirement funds
  actuarial valuation, information for, 19-10-205
  excess moneys, remittance, 19-10-203

CITY TREASURER (Continued)

Police retirement funds (Continued)
  salaries, deduction from, 19-10-302
  state payments, disposition, 19-10-305, 19-10-506
Public fund deposits, interest requirements, 17-6-104
Public library fund, payments from, 22-1-304
Road fund, motor vehicle fees, 61-3-203
Sewer system funds, duties, Title 7, chapter 13, part 42
Special improvement districts, duties, Title 7, chapter 12, parts 41 and 42
Street fund, proceeds from abandoned vehicle sales, 61-12-407
Taxation
  assessment of property without sufficient security, notice, 15-16-111
  destruction of records, 15-1-104
  protest payments to, 15-1-402, 15-8-115
  records, destruction, 15-1-104
  tax deed, application to, 15-18-203
Term of office, 7-4-4701
Traffic fines and bail forfeitures, disposition, 61-12-703

CIVET CAT

See **PREDATORS AND PREDATOR CONTROL**, generally

CIVIC CENTERS

See **RECREATION, Counties; Municipalities**

CIVIC STADIUMS

See **RECREATION, Municipalities**

CIVIL ACTIONS

See **ACTIONS**; **CIVIL PROCEDURE**

CIVIL DEFENSE

See **EMERGENCIES AND EMERGENCY POWERS**, generally

CIVIL DISABILITIES

See **OFFENDERS, FORMER**

CIVIL ENGINEERS

See **ENGINEERS AND LAND SURVEYORS**

CIVIL PROCEDURE

See also generally **COURTS**; **JUDGES AND JUSTICES**; **SPECIAL PROCEEDINGS**; specific court

Accord and satisfaction, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**; **OBLIGATIONS, Accord and satisfaction**
Account, pleading of, 25-4-302
"Action" defined, 25-1-102, 27-1-102, 27-1-103, 27-2-101, 70-19-101, 70-24-103
Adjournment, See **COURTS**; See also **Continuance or postponement**
Admissibility of evidence, See **EVIDENCE**
Admissions
  amendment, Title 25, chapter 20, M.R.Civ.P., Rule 36(b)

CIVIL PROCEDURE (Continued)

Admissions (Continued)
  counterclaim, judgment for excess upon admission, 25-4-602
  denials, failure as admission, Title 25, chapter 20, M.R.Civ.P., Rule 8(d)
  effect, 26-1-102; Title 25, chapter 20, M.R.Civ.P., Rule 36(b)
  limitation, Title 25, chapter 20, M.R.Civ.P., Rule 36(b)
  original document not required upon proof by, Title 26, chapter 10, M.R.Ev., Rule 1007
  partial admissions, 25-4-601; Title 25, chapter 20, M.R.Civ.P., Rule 8(b)
  postponement, admission of evidence upon motions for, 25-4-502
  pretrial conference, subject of, Title 25, chapter 20, M.R.Civ.P., Rule 16
  request for, See **Discovery**
  voluntary payment of claim not admission, 26-1-703
  withdrawal, Title 25, chapter 20, M.R.Civ.P., Rule 36(b)
  writings, admission of execution, 26-1-107
Affidavits, use in evidence, See **EVIDENCE**
Affirmative defenses, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**
Agreed statement of facts, See also **SPECIAL PROCEEDINGS, Submission of controversy without action**
  appeal, in lieu of record on appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
    criminal appeal, 46-20-305
  trial, 25-7-602
Answer, See also **PLEADINGS**, generally
  appearance of defendant by, 25-3-401
  city court, 25-32-104
  costs, effect of statement of tender before commencement of action, 25-10-107
  cross-claim, assertion in, 25-4-404, See **Cross-claim**
  dismissal, motion before service, Title 25, chapter 20, M.R.Civ.P., Rule 41(a)
  enumeration, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
  form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16
  injunction, preliminary — effect in hearing on, 27-19-303
  justices' courts, in, See **JUSTICES' COURTS**
  municipal court, 25-30-103
  property, statement of true value, 25-4-303
  reply to answer, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
  small claims court, district court, See **SMALL CLAIMS COURT — DISTRICT COURT**
  subpoena, striking of answer for disobedience, 26-2-104
  time to present, Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
Appeals, See **APPEALS, CIVIL**
Appearance of parties
  class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  execution
    proceedings in aid of, 25-14-101 — 25-14-103
    when only some defendants appear, 25-13-303, 25-15-101
  failure, See **Default**
  fees, 25-1-201
  jurisdiction, acquisition by, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  justices' courts, in, See **JUSTICES' COURTS**
  manner, 25-3-401
  notice, entitlement by appearance, 25-3-401
  pretrial conference, Title 25, chapter 20, M.R.Civ.P., Rule 16
  small claims court, district court, 25-34-203, 25-34-204
  small claims court, justice's court, 25-35-601, 25-35-603, 25-35-606, 25-35-608
  summons, time for appearance stated in, Title 25, chapter 20, M.R.Civ.P., Rule 4C
  written, service, Title 25, chapter 20, M.R.Civ.P., Rule 5(a), See **Service of papers not process**
Arbitration and award, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See **Defenses; ARBITRATION**, generally
Arrest, See **ARREST**, **Civil actions**
Assignment of cases for trial, Title 25, chapter 20, M.R.Civ.P., Rule 40
Assignment of claim, See **Transfer of interest in action**
Assumption of risk, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**

CIVIL PROCEDURE (Continued)

Attendance of witnesses, See **WITNESSES**
Attorney-client privilege, See **EVIDENCE, Privileges**
Attorney's role in action, See **ATTORNEYS AT LAW, Actions, role in**
Authentication or identification of evidence, See **EVIDENCE**
Bail, See **BAIL, CIVIL**
Bankruptcy, discharge — affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See **Defenses**
Bills of costs, See **Costs**
Bills of exceptions, See **Exceptions**
Bonds, See **BAIL, CIVIL**
Burdens of proof, See **EVIDENCE**
Calendar, See **COURT CALENDAR PRECEDENCE**
Certiorari, writ of, See **WRITS**
Challenges of judges, 3-1-802
Challenges of jurors, See **JURIES AND JURORS**
Change of venue, See **VENUE**
Character, See **EVIDENCE**
Circumstantial evidence, See **EVIDENCE, Indirect evidence; Inferences; Presumptions**
City courts, See **CITY COURTS**
Claim upon which relief can be granted, See **PLEADINGS, Statement of claim**
Class actions
  appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  compromise, Title 25, chapter 20, M.R.Civ.P., Rule 23(e)
  consumer protection, actions excluded, 30-14-133
  costs, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)
  criteria for, Title 25, chapter 20, M.R.Civ.P., Rule 23(b)
  dismissal, Title 25, chapter 20, M.R.Civ.P., Rule 23(e)
  joinder of parties, exclusion, Title 25, chapter 20, M.R.Civ.P., Rule 19(d)
  judgment, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  notice, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  order for action, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  orders permitted in conduct of, Title 25, chapter 20, M.R.Civ.P., Rule 23(d)
  prerequisites, Title 25, chapter 20, M.R.Civ.P., Rule 23(a)
  security for costs, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)
  shareholders, derivative actions by, Title 25, chapter 20, M.R.Civ.P., Rule 23.1
  subclasses, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  time for determination, Title 25, chapter 20, M.R.Civ.P., Rule 23(c)
  undertaking, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)
  unfair trade practices, actions excluded, 30-14-133
  unincorporated associations, actions concerning, Title 25, chapter 20, M.R.Civ.P., Rule 23.2
Clerical mistakes, Title 25, chapter 20, M.R.Civ.P., Rule 60(a)
Commencement of action, See also generally **Summons; MOTIONS AND ORDERS; PLEADINGS; STATUTES OF LIMITATION**
  city court, 25-32-102
  complaint, by, 27-2-102; Title 25, chapter 20, M.R.Civ.P., Rule 3, See **Complaint**
  fee, 25-1-201
  justices' courts, 25-31-401
  new action for same cause, 27-2-407
  pendency, 25-1-103
  small claims court, district court, 25-34-201
  small claims court, justice's court, 25-35-601
  when, 25-1-102
Commitment proceedings, See **COMMITMENT**
Complaint, See also **PLEADINGS**, generally
  attachment, filing not public when request for, 27-18-111
  city court, 25-32-102
  commencement of action by, 27-2-102; Title 25, chapter 20, M.R.Civ.P., Rule 3
  enumeration, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
  forms, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 2 — 14, 17, 18
  justice's court, in, See **JUSTICES' COURTS**
  personal injury, pleading of damages, 25-4-311 — 25-4-314

CIVIL PROCEDURE (Continued)

Complaint (Continued)
  proof of service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  real property description in, 25-4-201
  service, See **Service of process**
  small claims court, district court, See **SMALL CLAIMS COURT — DISTRICT COURT, Affidavit**
  small claims court, justice's court, See **SMALL CLAIMS COURT — JUSTICES' COURTS**
  state involvement, notice to attorney general, 25-1-501
  subpoena, striking of complaint for disobedience to, 26-2-104
  third parties, service upon, Title 25, chapter 20, M.R.Civ.P., Rules 7(a), 14(a)
  title, form, Title 25, chapter 20, M.R.Civ.P., Rule 10(a)
  unknown parties defendant, 25-3-504
  venue, designation in, 25-2-108
  wrongful death, pleading of damages, 25-4-311 — 25-4-314
Compromise
  abolished causes of action, 27-1-605
  admissibility, 26-1-703, 26-1-705; Title 26, chapter 10, M.R.Ev., Rule 408
  class actions, Title 25, chapter 20, M.R.Civ.P., Rules 23(e), 23.2
  joint debtor, by, 25-15-201
  jury, costs of impaneling after, 3-15-205
  justices' courts, offer in, 25-31-116
  municipal courts, offer in, 25-30-101
  offer, Title 25, chapter 20, M.R.Civ.P., Rule 68
    admissibility, 25-30-101, 25-31-116; Title 25, chapter 20, M.R.Civ.P., Rule 68; Title 26, chapter 10, M.R.Ev., Rule 408
    service, Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
Conduct, See **EVIDENCE**
Confession of defendant, See **JUDGMENTS AND DECREES**, **Confession of judgment**
Confession of judgment, See **JUDGMENTS AND DECREES**
Conflict of laws, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
Consideration, failure — defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**
Consolidation, Title 25, chapter 20, M.R.Civ.P., Rule 42(a)
Constitutional questions, See **CONSTITUTIONAL CHALLENGES**
Contempt of court, See **CONTEMPT**
Continuance or postponement
  city court, 25-32-104
  costs, 25-10-203
  defense, for, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  deposition of witnesses upon, 25-4-504
  evidence
    absence, grounds to postpone, 25-4-501
    admission, no postponement, 25-4-502
  grounds, 25-4-501, 25-4-503
  jury
    absence, during, 25-7-303
    selection, continuance for, 3-15-501
  justices' courts, See **JUSTICES' COURTS**, **Postponement**
  motion for, 25-4-501
  municipal courts, 25-30-101
  new trial, for hearings on motion, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
  nonjudicial day, to, 3-1-303
  pleadings, for amendments, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
  summary judgment, unavailability of affidavits, Title 25, chapter 20, M.R.Civ.P., Rule 56(f)
Contributory negligence, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See **Defenses; NEGLIGENCE, Comparative**
Costs, See also **FEES, Courts**
  admission, partial — award upon, 25-4-601
  agent, breach of warranty, 27-1-313
  allowable costs generally, 25-10-201

CIVIL PROCEDURE (Continued)

Costs (Continued)
- appeals, See **APPEALS, CIVIL**
- arbitration, action upon revocation, 27-5-105
- arrest, prejudgment, 27-16-208
- attachment, prejudgment, 27-18-205, 27-18-411, 27-18-603
- attorney's fees, 25-10-301, 25-10-302, See **ATTORNEYS AT LAW**
- bill of costs
  - appeals, on, 25-10-503
  - exceptions, 25-10-302
  - justice's court, unnecessary, 25-31-1002
  - objection, 25-10-502
  - officers' fees, 25-10-406
  - reporter's fee, 25-1-202
  - required, 25-10-501
  - verification, 25-10-501
- canal and ditch easements, interference with, 70-17-112
- change of venue, allocation, 25-2-205, 25-10-204
- city court, 25-31-1002
- compromise, Title 25, chapter 20, M.R.Civ.P., Rule 68
- copies, no charge when, 25-10-402
- corporations, dissenters' claims, 35-1-812
- county, against, 25-10-405, 25-10-703, 25-10-711
- declaratory judgment, 27-8-311
- defendant, to
  - of course, 25-10-102
  - several defendants, 25-10-106
  - tender before commencement of action, 25-10-107
- deposition expenses, 25-10-201; Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(d), 30(f), 30(g), 37(d)
- deposit of money in lieu of undertaking for security, See **Security**
- discovery, Title 25, chapter 20, M.R.Civ.P., Rules 26(b), 37(a), 37(b), 37(d)
- discretionary, when, 25-10-103
  - appeals, 25-10-104
  - review other than appeal, 25-10-105
- dismissal, effect, Title 25, chapter 20, M.R.Civ.P., Rule 41(d)
- disqualification of judge, 25-10-205
- elections
  - campaign violations, 13-37-124
  - contests, 13-36-205, 13-37-124
  - recounts, 13-16-307
- eminent domain, See **EMINENT DOMAIN**
- entry of judgment not delayed for, 25-10-501; Title 25, chapter 20, M.R.Civ.P., Rule 58
- expression, 30-12-601, 30-12-602
- forcible entry and detainer and unlawful detainer, 70-27-205
- governmental entities, payment by, 25-10-405, 25-10-701 — 25-10-703, 25-10-711
- hazardous substances actions, 50-30-307
- indemnity, recovery — entitlement, 28-11-315
- injunction, action for, 25-10-101, 25-10-102, 27-19-406
- interpreters, Title 25, chapter 20, M.R.Civ.P., Rule 43(f)
- judgment
  - bill of costs, 25-10-406, 25-10-504; Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  - declaratory, 27-8-311
  - default, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  - entry not delayed for, 25-10-501; Title 25, chapter 20, M.R.Civ.P., Rule 58
  - justice's court, 25-31-113, 25-31-1003
  - modification, 25-10-104
  - summary judgment, affidavit in bad faith, Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
- jurors' fees, 3-15-203, 3-15-205
- justices' courts, See **JUSTICES' COURTS, Fees and costs**
- landlord-tenant disputes, 70-24-202, 70-24-442
- liens, foreclosure, 25-10-101, 25-10-102
- mandamus, writ of, 27-26-402, 27-26-403

CIVIL PROCEDURE (Continued)

Costs (Continued)
- maps, preparation, 25-10-201
- master, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
- mining violations, 82-4-252
- money as security, deposit in lieu of undertaking, See **Security**
- money, recovery of, 25-10-101, 25-10-102
  - change of venue, 25-10-204
  - tender before commencement of action, 25-10-107
- motions, sustained or overruled, 25-10-202
- motor vehicles, claims for property damage arising from, 25-10-101
- municipal court, in, 25-30-101, 25-30-107
- new trial, 25-10-104
- notice, expenses of, 25-10-201
- nuisances, actions on, 25-10-101, 25-10-102
- objection, 25-10-502
- offer of judgment, Title 25, chapter 20, M.R.Civ.P., Rule 68
- officers' fees, prepayment
  - allowable costs, 25-10-201
  - collection, 25-10-406
  - copies, no charge when, 25-10-402
  - governmental entities, exemption, 25-10-405, 25-10-701
  - indigent persons, 25-10-404
  - itemization, 25-10-401
  - required, 25-10-403
- papers
  - copies, no charge when, 25-10-402
  - filing and recording, 25-10-201, 25-10-204
  - preparation, 25-10-201
  - printing costs, 25-10-201
  - transference, 25-10-204
- partition, See **PARTITION**
- personal property, actions on, 25-10-101, 25-10-102
- plaintiff, to — of course, 25-10-101
- pledges, foreclosure, 25-10-101, 25-10-102
- postponement, 25-10-203
- prevailing party, award to, Title 25, chapter 20, M.R.Civ.P., Rule 54(d)
- production of evidence, Title 25, chapter 20, M.R.Civ.P., Rule 45(b)
- product safety actions, 50-30-307
- publication costs, 25-10-201
- public officers, no personal liability, 25-10-701
  - mandamus, writ of, 27-26-403
- quiet title, 70-28-112
- quo warranto proceedings, 25-10-101, 25-10-102, 27-28-104, 27-28-205, 27-28-503
- rabies control, injunction, 50-23-106
- real property, actions on, 25-10-101, 25-10-102
- reporter's fee, 25-1-202
- representative, party as, 25-10-108
- review other than appeal, 25-10-105
- secretary of state, acceptance of service of process, 25-10-206; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- security, See **Security**
- service of process, prepayment, 25-3-203
- small claims court, district court, 25-34-203, 25-34-402, 25-34-403
- small claims court, justice's court, 25-35-608, 25-35-802
- special proceedings, 25-10-101, 25-10-102, 25-10-105
- state, against, 25-10-405, 25-10-702, 25-10-711, 70-19-303
- stenographer's fees, 25-1-201
- summary judgment, affidavit in bad faith, Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
- surveys and inspections of property, 70-19-204
- tax deed, action for, 15-18-306
- taxes and fines, actions on, 25-10-101, 25-10-102
- transcript, preparation, 25-10-201

CIVIL PROCEDURE (Continued)

Costs (Continued)
  undertakings as security, See **Security**
  venue, change, 25-2-205, 25-10-204
  witnesses' fees, 25-10-201, 25-10-205, 26-2-506, 26-2-507
Counsel, See **ATTORNEYS AT LAW, Actions, role in**
Counterclaim, See also **PLEADINGS**, generally
  amendment, set up by, Title 25, chapter 20, M.R.Civ.P., Rule 13(f)
  answer to, time to present, Title 25, chapter 20, M.R.Civ.P., Rules 7(a), 12(a)
  compulsory, Title 25, chapter 20, M.R.Civ.P., Rule 13(a)
  contracts
    admission by plaintiff, 25-4-602
    procedure, 25-4-403
  default judgment, entitlement, Title 25, chapter 20, M.R.Civ.P., Rule 55(d)
  designation, improper, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
  dismissal, Title 25, chapter 20, M.R.Civ.P., Rules 41(a), 41(c)
  enumeration, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
  extent, Title 25, chapter 20, M.R.Civ.P., Rule 13(c)
  forms, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 16, 17
  interpleader by, Title 25, chapter 20, M.R.Civ.P., Rule 22(a)
  issue of fact arising from, trial, 25-7-104
  joinder of additional parties, Title 25, chapter 20, M.R.Civ.P., Rule 13(h)
  joinder of claims, Title 25, chapter 20, M.R.Civ.P., Rule 18(a)
  judgment when separate trials, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
  justices' courts, in, See **JUSTICES' COURTS**
  money, recovery of — content of verdict, 25-7-502
  municipal court, 25-30-104
  numerous defendants, effect, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
  omission, Title 25, chapter 20, M.R.Civ.P., Rule 13(f)
  permissive, Title 25, chapter 20, M.R.Civ.P., Rule 13(b)
  personal injury, damages may not be stated, 25-4-311
  remedies, provisional — right to, 27-15-102
  representative
    against, 25-4-402
    by, 25-4-401
  separate trials, effect, Title 25, chapter 20, M.R.Civ.P., Rules 13(i), 42(b)
  small claims court, district court, 25-34-207, 25-34-301
  small claims court, justice's court, 25-35-606 — 25-35-608
  state involvement, 25-1-501; Title 25, chapter 20, M.R.Civ.P., Rule 13(d)
  statute of limitations, death of party, 27-2-408
  summary judgment, application for, Title 25, chapter 20, M.R.Civ.P., Rules 56(a), 56(b)
  supplemental pleading, presentation by, Title 25, chapter 20, M.R.Civ.P., Rule 13(e)
  survival, 25-4-401, 25-4-402, 27-1-502
  third parties, Title 25, chapter 20, M.R.Civ.P., Rule 14
  trial, 25-7-104
    separate trials, effect, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
  uniform commercial code, applicability of laws, 25-4-403
  wrongful death, damages may not be stated, 25-4-311
Court calendar, See **COURT CALENDAR PRECEDENCE**
Court costs, See **Costs; FEES, Courts**
Credibility of witness, See **EVIDENCE**
Cross-claim, See also **PLEADINGS**, generally
  answer to claims, cross-claim to be asserted in, 25-4-404
  answer to cross-claim
    enumerated, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
    time to present, Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
  coparty, against, Title 25, chapter 20, M.R.Civ.P., Rule 13(g)
  default judgment, entitlement, Title 25, chapter 20, M.R.Civ.P., Rule 55(d)
  dismissal, Title 25, chapter 20, M.R.Civ.P., Rule 41(c)
  enumeration, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
  forms, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16
  interpleader by, Title 25, chapter 20, M.R.Civ.P., Rule 22(a)
  joinder of additional parties, Title 25, chapter 20, M.R.Civ.P., Rule 13(h)

CIVIL PROCEDURE (Continued)

Cross-claim (Continued)
  joinder of claims, Title 25, chapter 20, M.R.Civ.P., Rule 18(a)
  judgment when separate trials, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
  justices' courts, in, 25-31-502, See **JUSTICES' COURTS, Pleadings**
  numerous defendants, effect, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
  personal injury, damages may not be stated, 25-4-311
  separate trials, effect, Title 25, chapter 20, M.R.Civ.P., Rules 13(i), 42(b)
  state involvement, notice to attorney general, 25-1-501
  summary judgment, application for, Title 25, chapter 20, M.R.Civ.P., Rules 56(a), 56(b)
  third parties, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)
  unknown parties defendant, 25-3-504
  when presented, 25-4-404
  wrongful death, damages may not be stated, 25-4-311
Cross-examination, See **EVIDENCE, Cross-examination of witness**
Deaf persons, interpreters for, 49-4-503, See **DEAF PERSONS, Interpreters in official proceedings**
Death, effect on action, See **DEATH**
Declaratory judgments, See **JUDGMENTS AND DECREES**
Default, See also **JUDGMENTS AND DECREES, Default judgment**
  chambers, judge's power at, 3-5-311
  contract actions, effect of plaintiff's admission on counterclaim, 25-4-602
  counterclaim, effect of plaintiff's admissions on, 25-4-602
  dismissal when, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
  entry, Title 25, chapter 20, M.R.Civ.P., Rules 55(a), 55(c)
  extension of time, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)
  findings of fact, waiver by, 25-7-601
  justices' courts, See **JUSTICES' COURTS**
  mandamus prohibited by, 27-26-401
  master, before, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
  representation of party out-of-state, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)
  service of papers not process when, Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
  setting aside, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)
Default judgments, See **JUDGMENTS AND DECREES**
Defenses, See also **PLEADINGS**, generally
  affirmative, enumerated, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
  alternatives, Title 25, chapter 20, M.R.Civ.P., Rule 8(e)
  assignment of right to action, 27-1-503
  death of party, 27-1-501, 27-2-408
  form, Title 25, chapter 20, M.R.Civ.P., Rules 8(b), 10(b) and Appendix, Forms 16, 17
  manner of presentation, 25-7-301; Title 25, chapter 20, M.R.Civ.P., Rule 12(b)
  numerous defendants, service, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
  service, Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
  spouse, right to defend, 25-5-202
  statute of limitations
    death of party, effect, 27-2-408
    pleading, 25-4-301
  survival, 27-1-501, 27-1-503
  third party claims, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)
Definitions
  action, 25-1-102, 27-1-102, 27-1-103, 27-2-101, 70-19-101, 70-24-103
  deposition, 1-1-202
  evidence, pertaining to, See **EVIDENCE**
  filing with the court, Title 25, chapter 20, M.R.Civ.P., Rule 5(e)
  issue, 25-7-101
  judicial officers, 1-1-202
  judicial record, 1-1-202
  magistrate, 1-1-202
  master, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
  new trial, 25-11-101
  notice, 25-3-101
  oral examination, 1-1-202
  pending action, 25-1-103

CIVIL PROCEDURE (Continued)

Definitions (Continued)
- person, Title 25, chapter 20, M.R.Civ.P., Rule 4A
- process, 1-1-202, 25-3-101
- publication once a week, 25-3-503
- registered mail, 1-1-202
- testify, 1-1-202
- writ, 1-1-202

Delivery to party
- affidavit for, 26-1-1002
- appeal permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
- counterclaim, right of defendant upon, 27-15-102
- execution, See **EXECUTION**
- interpleader by substitution, for, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
- judgment for, 25-13-203, 27-1-432
- order when, 25-8-101
  - enforcement, 25-8-102
- permissive, Title 25, chapter 20, M.R.Civ.P., Rule 67
- presumption of satisfaction, 26-1-602

Demurrers, See also **PLEADINGS, Statement of claim**
- abolishment, Title 25, chapter 20, M.R.Civ.P., Rule 7(c)
- justices' courts, See **JUSTICES' COURTS**

Denials, See also **PLEADINGS**
- admissions, in requests for, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
- conditions precedent, of, Title 25, chapter 20, M.R.Civ.P., Rule 9(c)
- failure to deny, effect, Title 25, chapter 20, M.R.Civ.P., Rule 8(d)
- form, Title 25, chapter 20, M.R.Civ.P., Rule 8(b)

Deposit in court, See also **BAILMENT AND BAILEES**
- affidavit for, 26-1-1002
- appeal permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
- costs, effect on, 25-10-107
- counterclaim, right of defendant upon, 27-15-102
- county treasurer, duties, 25-8-103, 25-8-104
- interpleader by substitution, for, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
- judgment requiring, disobedience, 25-13-203
- order when, 25-8-101, 25-13-203
  - enforcement, 25-8-102
- permissive, Title 25, chapter 20, M.R.Civ.P., Rule 67
- presumption of satisfaction, 26-1-602
- revocation of deposit, 25-8-103
- unclaimed, 70-9-207, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
- whom deposited with, 25-8-103

Depositions, See **DEPOSITIONS**

Deposit of money in lieu of undertaking, See **Security**

Developmentally disabled persons, commitment, See **DEVELOPMENTALLY DISABLED PERSONS, Institutionalization**

Directed verdicts, See **Verdict**

Direct examination, See **EVIDENCE, Examination of witness**

Discovery, See also **EVIDENCE**, generally
- admissions, request for
  - answer, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
  - effect, Title 25, chapter 20, M.R.Civ.P., Rule 36(b)
  - enumerated, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
  - failure to admit, costs, Title 25, chapter 20, M.R.Civ.P., Rule 37(c)
  - form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 21
  - limitation, Title 25, chapter 20, M.R.Civ.P., Rule 36(b)
  - objections, Title 25, chapter 20, M.R.Civ.P., Rules 36(a), 37(c)
  - request, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
- applicability of laws
  - medical professional standards review committee, proceedings and records, 37-2-201
  - probate proceedings, Title 25, chapter 20, M.R.Civ.P., Rule 1
  - state tax appeal board proceedings, 15-2-301

CIVIL PROCEDURE (Continued)

Discovery (Continued)

- compelled
  - failure to comply with order, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
  - motion for order, Title 25, chapter 20, M.R.Civ.P., Rule 37(a)
- contempt, Title 25, chapter 20, M.R.Civ.P., Rules 35(b), 37(b)
- depositions, See **DEPOSITIONS**
- enumeration of methods, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
- experts, Title 25, chapter 20, M.R.Civ.P., Rules 26(b), 26(e)
- failure to make, Title 25, chapter 20, M.R.Civ.P., Rule 37
- frequency, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
- inadmissible evidence, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
- insurance agreements, scope of discovery, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
- interrogatories
  - availability, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
  - business records, option to produce, Title 25, chapter 20, M.R.Civ.P., Rule 33(c)
  - enumerated, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
  - experts, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
  - failure to answer, Title 25, chapter 20, M.R.Civ.P., Rule 37(d)
  - filing, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
  - jury, to, Title 25, chapter 20, M.R.Civ.P., Rule 49(b)
  - objections, Title 25, chapter 20, M.R.Civ.P., Rules 33(a), 33(b), 37(d)
  - procedure, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
  - scope, Title 25, chapter 20, M.R.Civ.P., Rule 33(b)
  - service, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
- modification of rules by stipulation, Title 25, chapter 20, M.R.Civ.P., Rule 29
- order of methods used, Title 25, chapter 20, M.R.Civ.P., Rule 26(d)
- physical and mental examinations
  - contempt, Title 25, chapter 20, M.R.Civ.P., Rules 35(b), 37(b)
  - enumerated, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
  - notice, Title 25, chapter 20, M.R.Civ.P., Rule 35(a)
  - order, Title 25, chapter 20, M.R.Civ.P., Rules 35(a), 37(b)
  - report of examining physician, 50-16-314; Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
  - waiver of privilege, 50-16-314; Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
- probate proceedings, applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 1
- production of documents or things or permission to enter on property
  - depositions
    - annexation to, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
    - notice may accompany request, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
  - enumerated, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
  - failure to allow inspection, Title 25, chapter 20, M.R.Civ.P., Rule 37(d)
  - form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 20
  - objections, Title 25, chapter 20, M.R.Civ.P., Rules 34(b), 37(d)
  - persons not parties not excluded, Title 25, chapter 20, M.R.Civ.P., Rule 34(c)
  - request, Title 25, chapter 20, M.R.Civ.P., Rule 34(b)
    - deposition notice may accompany, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
  - response, Title 25, chapter 20, M.R.Civ.P., Rule 34(b)
  - scope, Title 25, chapter 20, M.R.Civ.P., Rule 34(a)
- protective orders, Title 25, chapter 20, M.R.Civ.P., Rule 26(c)
- scope, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
- sequence, Title 25, chapter 20, M.R.Civ.P., Rule 26(d)
- service of papers relating to, Title 25, chapter 20, M.R.Civ.P., Rule 5(a), See **Service of papers not process**
- state tax appeal board, inapplicable to, 15-2-301
- stipulation to modify procedure, Title 25, chapter 20, M.R.Civ.P., Rule 29
- substantial need, showing required, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
- supplementation of responses, Title 25, chapter 20, M.R.Civ.P., Rule 26(e)

Dismissal of action

- applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 41(c)
- class action, Title 25, chapter 20, M.R.Civ.P., Rules 23(e), 23.2
- costs of previously dismissed action, Title 25, chapter 20, M.R.Civ.P., Rule 41(d)
- counterclaim, Title 25, chapter 20, M.R.Civ.P., Rules 41(a), 41(c)
- cross-claim, Title 25, chapter 20, M.R.Civ.P., Rule 41(c)

CIVIL PROCEDURE (Continued)

Dismissal of action (Continued)
  death of party, when no substitution, Title 25, chapter 20, M.R.Civ.P., Rule 25(a)
  defendant, motion by, Title 25, chapter 20, M.R.Civ.P., Rule 41(b)
  discovery, for failure to comply with order, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
  failure to state a claim upon which relief can be granted, Title 25, chapter 20, M.R.Civ.P., Rule 12(b)
  findings of the court, Title 25, chapter 20, M.R.Civ.P., Rules 41(b), 52(a)
  form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 15
  involuntary, Title 25, chapter 20, M.R.Civ.P., Rule 41(b)
  joinder of parties, when compulsory creating improper venue, Title 25, chapter 20, M.R.Civ.P., Rules 19(a), 19(b)
  judgment, effect, 25-9-101
  jurisdiction, when lack, Title 25, chapter 20, M.R.Civ.P., Rule 12(h)
  justices' courts, See **JUSTICES' COURTS**
  misjoinder not grounds, Title 25, chapter 20, M.R.Civ.P., Rule 21
  motion to dismiss, form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 15
  municipal courts, 25-30-101
  new action for same cause, 27-2-407
  nonappearance, for, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
  nonjoinder not grounds, Title 25, chapter 20, M.R.Civ.P., Rule 21
  notice of, Title 25, chapter 20, M.R.Civ.P., Rule 41(a)
  order of court, Title 25, chapter 20, M.R.Civ.P., Rule 41(a)
  plaintiff, motion by, Title 25, chapter 20, M.R.Civ.P., Rules 41(a), 41(c)
  previously-dismissed action, effect, Title 25, chapter 20, M.R.Civ.P., Rule 41(d)
  real party in interest, no grounds when prosecution not in name of, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
  receiver, when appointed, Title 25, chapter 20, M.R.Civ.P., Rule 66
  security not given, 25-10-602
  separate trials, effect, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
  statute of limitations, effect, 27-2-407
  stipulation for, Title 25, chapter 20, M.R.Civ.P., Rule 41(a)
  substitution of parties, when not made, Title 25, chapter 20, M.R.Civ.P., Rules 25(a), 25(d)
  summons, failure to serve, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
    publication, when service by, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  third-party claims, Title 25, chapter 20, M.R.Civ.P., Rules 14(a), 41(c)
  undertaking not filed, 25-10-602
  voluntary, Title 25, chapter 20, M.R.Civ.P., Rules 41(a), 41(c)
Disputable presumptions, See **EVIDENCE, Presumptions**
Disqualification of judges, See specific court
Disqualification of witnesses, See **WITNESSES, Competence**
Docketing, See generally **COURT CALENDAR PRECEDENCE; DOCKETS**
Duress, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses; DURESS**, generally
English language, proceedings to be conducted in, 3-1-314
Errors, See **Mistakes**
Estoppel, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses; ESTOPPEL**, generally
Evidence, See **EVIDENCE**
Examination of witness, See **EVIDENCE**
Exceptions, Title 25, chapter 20, M.R.Civ.P., Rule 46
  abolishment for insufficiency, 25-31-503; Title 25, chapter 20, M.R.Civ.P., Rule 7(c)
  justice's court, abolishment for insufficiency, 25-31-503
Execution, See **EXECUTION**
Expert testimony, See **EVIDENCE**
Extension of time, See **Time**
Failure to state a claim upon which relief can be granted, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
Federal court
  injunction to stay proceedings prohibited when, 27-19-103
  judgment
    filing of docket with district court, 25-9-303
    statute of limitations for action upon, 27-2-201

CIVIL PROCEDURE (Continued)

Federal court (Continued)
  judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
  removal to, Title 25, chapter 20, M.R.Civ.P., Rule 77(e)
Fees, See **Costs; FEES, Courts**
Findings of fact and conclusions of law by the court
  agreed statement of facts, upon, 25-7-602
  amendment, Title 25, chapter 20, M.R.Civ.P., Rules 52(b), 59(a), 62(b)
    notice of appeal, suspension of time for filing, Title 25, chapter 21, M.R.App.Civ.P., Rule 5
  appeal
    inclusion in appellant's brief, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
    notice, suspension of time for filing, Title 25, chapter 21, M.R.App.Civ.P., Rule 5
  dismissal, when, Title 25, chapter 20, M.R.Civ.P., Rule 41(b)
  effect, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
  exceptions, formal — unnecessary, Title 25, chapter 20, M.R.Civ.P., Rule 46
  extension of time, Title 25, chapter 20, M.R.Civ.P., Rule 6(b)
  issues omitted, on, Title 25, chapter 20, M.R.Civ.P., Rule 49(a)
  master, findings of, Title 25, chapter 20, M.R.Civ.P., Rules 52(a), 53(e)
  new trial, effect, Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
  procedure, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
  small claims court, district court, 25-34-302
  small claims court, justice's court, 25-35-801
  waiver by parties, 25-7-601
Foreign laws, See **FOREIGN LAWS**
Form of action, 25-1-101; Title 25, chapter 20, M.R.Civ.P., Rule 2
Forms, Title 25, chapter 20, M.R.Civ.P., Rule 84 and Appendix, See also **FORMS**, generally
Fraud, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses; FRAUD**, generally
Governmental entities, actions involving, See also **Actions involving** under specific governmental entity
  appeals
    costs, Title 25, chapter 21, M.R.App.Civ.P., Rule 33
    notice of appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 5
  costs, 25-1-402, 25-10-405, 25-10-701, 25-10-711; Title 25, chapter 20, M.R.Civ.P., Rule 54(d)
  depositions, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 31(a), 32(a)
  execution, exemptions, 25-13-613
  garnishment of public officers, 25-13-504
  informants, privilege, Title 26, chapter 10, M.R.Ev., Rule 502
  injunction, security not required, 27-19-306
  interrogatories, Title 25, chapter 20, M.R.Civ.P., Rule 33
  officers' fees, prepayment not required, 25-10-405
  pleadings
    amendments, relation back, Title 25, chapter 20, M.R.Civ.P., Rule 15(c)
    official documents and acts, Title 25, chapter 20, M.R.Civ.P., Rule 9(d)
  security, 25-1-402, 27-19-306; Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
  service of process, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  substitution of successor to public officer, Title 25, chapter 20, M.R.Civ.P., Rule 25(d)
  venue, 25-2-105
  witnesses, examination or cross-examination, Title 25, chapter 20, M.R.Civ.P., Rule 43(b)
Habeas corpus, writ of, See **HABEAS CORPUS, WRIT OF**
Harmless error, Title 25, chapter 20, M.R.Civ.P., Rule 61, See also **Mistakes**
Hearsay evidence, See **EVIDENCE**
Illegality, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**
Indexes of court proceedings, 3-5-501 — 3-5-503, 3-5-513
Indigent persons, See **In forma pauperis**
Indirect evidence, See **EVIDENCE**
Indispensible parties, See **Joinder of parties**, compulsory
Inferences, See **EVIDENCE**
Informants, testimony by, Title 26, chapter 10, M.R.Ev., Rule 502
In forma pauperis
  affidavit, 25-10-404; Title 25, chapter 21, M.R.App.Civ.P., Appendix, Form 2
  appeals, Title 25, chapter 21, M.R.App.Civ.P., Rule 18 and Appendix, Form 2

CIVIL PROCEDURE (Continued)

In forma pauperis (Continued)
  costs, prepayment not required, 25-10-404
  justices' courts, 25-31-113
  security not required, 25-10-404
  small claims court, district court, 25-34-208
  small claims court, justice's court, 25-35-608
Injunctions, See **INJUNCTION, WRIT OF**
Instructions to jury, See **JURIES AND JURORS**
Interpleader
  documents of title, 30-7-603
  form, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 14, 17, 18
  joinder, by, Title 25, chapter 20, M.R.Civ.P., Rule 22(a)
  substitution, by, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
Interpreters
  applicability of laws, Title 26, chapter 10, M.R.Ev., Rule 604
  appointment, Title 25, chapter 20, M.R.Civ.P., Rule 43(f)
  compensation, 26-2-504; Title 25, chapter 20, M.R.Civ.P., Rule 43(f)
  deaf persons, for, 49-4-503, See **DEAF PERSONS, Interpreters in official proceedings**
  oath, Title 26, chapter 10, M.R.Ev., Rule 604
Interrogation of witness, See **EVIDENCE, Cross-examination of witness; Examination of witness**
Interrogatories, See **Discovery**
Intervention, See **Parties to action**
Issues
  amendment, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
  burden of proof, See **EVIDENCE**
  character as issue, Title 26, chapter 10, M.R.Ev., Rule 404
  defined, 25-7-101
  directed verdict, 25-7-302
  evidence
    nonconformance, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
    ultimate issue, admissibility of opinion on, Title 26, chapter 10, M.R.Ev., Rule 704
  fact
    counterclaim, arising in, 25-7-104
    decision by jury, 3-15-101, 25-7-103, 25-7-302, 26-1-202, See also **JURIES AND JURORS**, generally
    declaratory judgments, 27-8-302
    directed verdict, 25-7-302
    enumerated, 25-7-101
    fee, 25-1-202
    judgment when death of party, 25-9-103
    new trial upon, 25-11-101, See **New trial**
    omission, Title 25, chapter 20, M.R.Civ.P., Rule 49(a)
  justices' courts, See **JUSTICES' COURTS**
  kinds enumerated, 25-7-101
  law
    attorney general opinions, 2-15-501
    decision by court, 25-7-102, 26-1-201; Title 26, chapter 10, M.R.Ev., Rule 202
    enumerated, 25-7-101
    foreign law, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
    judgment upon, 25-9-104
  pretrial conference on, Title 25, chapter 20, M.R.Civ.P., Rule 16
  separate trials, Title 25, chapter 20, M.R.Civ.P., Rule 42(b), See **Severance**
Joinder of claims, Title 25, chapter 20, M.R.Civ.P., Rules 18(a), 18(b)
  remedies, joinder, Title 25, chapter 20, M.R.Civ.P., Rule 18(b)
  small claims court, district court, 25-34-102
Joinder of parties
  class actions, exception as to indispensible parties, Title 25, chapter 20, M.R.Civ.P., Rule 19(d), See **Class actions**
  compulsory, indispensible parties
    failure to join, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)

CIVIL PROCEDURE (Continued)

Joinder of parties (Continued)
  compulsory, indispensible parties (Continued)
    involuntary plaintiff, Title 25, chapter 20, M.R.Civ.P., Rule 19(a)
    nonjoinder, pleading for, Title 25, chapter 20, M.R.Civ.P., Rule 19(c)
    omission, allegation of reason, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 22
    refusal to join, Title 25, chapter 20, M.R.Civ.P., Rule 19(a)
    when feasible, Title 25, chapter 20, M.R.Civ.P., Rules 13(h), 19(a)
    when not feasible, Title 25, chapter 20, M.R.Civ.P., Rule 19(b)
  interpleader, for, Title 25, chapter 20, M.R.Civ.P., Rule 22(a)
  mineral royalties actions, 82-10-101
  misjoinder, Title 25, chapter 20, M.R.Civ.P., Rule 21
  negligence, 27-1-703
  oil and gas, actions concerning
    leases, 82-1-204
    royalties, 82-10-101
  permissive, Title 25, chapter 20, M.R.Civ.P., Rules 13(h), 20(a)
  property actions, See **PERSONAL PROPERTY, Actions**; **REAL PROPERTY, Actions**
  real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
  separate trials when, Title 25, chapter 20, M.R.Civ.P., Rule 20(b)
  shareholders, derivative actions by, Title 25, chapter 20, M.R.Civ.P., Rule 23.1
  state, joinder as defendant in actions affecting title to property, 25-5-204
  time for joinder, Title 25, chapter 20, M.R.Civ.P., Rule 21
  tort actions, 27-1-703
  transfer of interest, upon, Title 25, chapter 20, M.R.Civ.P., Rule 25(c)
  unincorporated associations, actions relating to, Title 25, chapter 20, M.R.Civ.P., Rule 23.2
  unknown parties defendant, 25-3-504
Judgments and decrees, See **JUDGMENTS AND DECREES**; See also **Verdict**; **EXECUTION**
Judicial notice, See **EVIDENCE**
Judicial records, See **EVIDENCE**
Juries and jurors, See **Trial by jury**; **JURIES AND JURORS**
Jurisdiction of courts, See also specific court
  lack
    foreign judgment, repelled, 26-3-205
    judicial record, impeachment, 26-3-105
Jurisdiction of persons, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  judicial record, to sustain, 26-3-101
  lack
    defense, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
    foreign judgment, repelled, 26-3-205
Jurisdiction of subject
  judicial record, to sustain, 26-3-101
  lack
    defense, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
    foreign judgment, repelled, 26-3-205
Jurisdiction to sustain judicial record, 26-3-101, 26-3-105
Jurisprudence, maxims of, Title 1, chapter 3, See **LAW, Maxims of jurisprudence**
Justices' courts, See **JUSTICES' COURTS**, generally
Laches, See **EQUITY**
Leading questions, See **EVIDENCE, Cross-examination of witness**; **Examination of witness**
License, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**
Limitations of actions, See **STATUTES OF LIMITATION**
Long arm statutes, See **LONG ARM STATUTES**
Mandamus, writ of, See **WRITS**
Masters, See **COURTS**
Maxims of jurisprudence, Title 1, chapter 3, See **LAW**
Mens rea, 27-1-701
Mental examination, See **Discovery**, physical and mental examinations; See also **COMMITMENT**

CIVIL PROCEDURE (Continued)

Mentally ill persons, commitment, See **MENTALLY ILL PERSONS, Institutionalization**
Mental state, evidence on, See **EVIDENCE**
Mistakes
  clerical, Title 25, chapter 20, M.R.Civ.P., Rule 60(a)
  depositions, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  evidence, Title 25, chapter 20, M.R.Civ.P., Rule 61; Title 26, chapter 10, M.R.Ev., Rule 103
  harmless error, Title 25, chapter 20, M.R.Civ.P., Rule 61
  judgment, relief for, 26-3-205; Title 25, chapter 20, M.R.Civ.P., Rule 60(b)
  pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(b)
  technical error, 25-4-112
Money
  account, of, 30-12-601, 30-12-602
  action to recover, See **MONEY**
  delivery to party, See **Delivery to party**
  deposit in court, See **Deposit in court**
  deposit in lieu of undertaking, See **Security**
Montana Code Annotated, effect, 1-11-103
Motions and orders, See **MOTIONS AND ORDERS**
Municipal courts, proceedings in, See **MUNICIPAL COURTS**
New trial
  affidavits, service, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(c)
  appeals
    notice of appeal, suspension of time for filing, Title 25, chapter 21, M.R.App.Civ.P., Rule 5
    order, appeal from permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  certiorari, applicability of laws, 27-25-103
  costs, 25-10-104
  court, initiative of, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 59(e), 59(f)
  defined, 25-11-101
  extension of time, Title 25, chapter 20, M.R.Civ.P., Rule 6(b)
  findings of fact and conclusions of laws, new or amended, Title 25, chapter 20, M.R.Civ.P., Rules 52(b), 59(a)
  grounds, 25-11-102, 25-11-103
    motion, statement in, Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
    order, statement in, Title 25, chapter 20, M.R.Civ.P., Rule 59(f)
  harmless error not grounds, Title 25, chapter 20, M.R.Civ.P., Rule 61
  judgment, effect upon, Title 25, chapter 20, M.R.Civ.P., Rules 59(a), 59(g)
  judgment notwithstanding verdict, effect upon, Title 25, chapter 20, M.R.Civ.P., Rule 50
  mandamus, applicability of laws, 27-26-103
  motion
    affidavits, upon, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(c)
    amendment, Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
    decision, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
    denial, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
      appeal, suspension of time for filing notice, Title 25, chapter 21, M.R.App.Civ.P., Rule 5
    findings of fact and conclusions of law, amendment — motion may be combined with, Title 25, chapter 20, M.R.Civ.P., Rule 52(b)
    granting for reasons not stated, Title 25, chapter 20, M.R.Civ.P., Rule 59(e)
    grounds, statement in, Title 25, chapter 20, M.R.Civ.P., Rule 59(a)
    hearing, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 59(d)
    judgment, motion to alter or amend may be combined with, Title 25, chapter 20, M.R.Civ.P., Rule 59(g)
    judgment notwithstanding verdict, motion may be combined with, Title 25, chapter 20, M.R.Civ.P., Rule 50(b)
    minutes of the court, upon, 25-11-104
    service, Title 25, chapter 20, M.R.Civ.P., Rule 59(b)
    stay, Title 25, chapter 20, M.R.Civ.P., Rule 62(b)
    when, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 59(b)
  order for, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 59(e), 59(f)
    appeal permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  substitution of judge, 3-1-802

CIVIL PROCEDURE (Continued)

Nonjudicial days, proceedings permitted on, 3-1-302, 3-1-303
Notice, See also specific subject
  actual and constructive, 1-1-217
  clerk of the district court, issuance by, 3-5-501
  defect, 25-4-112
  defined, 25-3-101
  entitlement, 25-3-401
  forcible entry and detainer and unlawful detainer, 70-27-110
  foreign judgment, 26-3-205
  foreign laws, when issue, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
  lis pendens, See **REAL PROPERTY**
  publication, 25-3-502, 25-3-503, 25-10-201, 26-1-1011, See also **Service of process**
  service, Title 25, chapter 20, M.R.Civ.P., Rule 5(a), See **Service of papers not process**
    extension of time, 25-1-301
    forcible entry and unlawful detainer, 70-27-110
Objections, Title 25, chapter 20, M.R.Civ.P., Rule 12, See also **Defenses**
  admissions, to, Title 25, chapter 20, M.R.Civ.P., Rule 36(a)
  declaratory judgment, request for, 27-8-201
  depositions, Title 25, chapter 20, M.R.Civ.P., Rules 30(c), 32(b)
  evidence
    rulings on, Title 26, chapter 10, M.R.Ev., Rule 103
    subpoena, Title 25, chapter 20, M.R.Civ.P., Rule 45(d)
  interrogatories, Title 25, chapter 20, M.R.Civ.P., Rules 33(a), 33(b)
  master's report, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
  production of documents or things or entry onto land, request for, Title 25, chapter 20, M.R.Civ.P., Rule 34(b)
  witnesses
    court, calling by, Title 26, chapter 10, M.R.Ev., Rule 614
    judge as, not necessary, Title 26, chapter 10, M.R.Ev., Rule 605
    juror as, Title 26, chapter 10, M.R.Ev., Rule 606
    questions to, Title 25, chapter 20, M.R.Civ.P., Rule 43(c)
Offer of judgment, See **Compromise**
Opinion testimony, See **EVIDENCE**
Order in proceedings
  criminal code, effect, 45-1-104
  enforcement, 3-1-111, 3-1-402, 3-1-403, 3-1-501, 3-10-401, 3-11-303
Order of proceedings, 25-7-301
  class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(d)
Orders, See **MOTIONS AND ORDERS**
Original proceedings in supreme court, Title 25, chapter 21, M.R.App.Civ.P., Rule 17, See **SUPREME COURT**
Parol evidence, See **EVIDENCE**
Parties to action, See also **ACTIONS**, generally
  abbreviations, use, 25-5-102
  absence from state, effect on statute of limitations, 27-2-402
  airport authorities, 67-11-201
  appeals, in, See **APPEALS, CIVIL**
  bailee, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
  building and loan associations, 32-2-401
  business associations generally, 25-5-104
  business trusts, 35-5-103
  capacity, Title 25, chapter 20, M.R.Civ.P., Rules 9(a), 17(b), See specific subject area
  cemetery associations, 35-20-104
  city courts, 3-11-302
  class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(a), See **Class actions**
  commerce, department of, 81-23-406
  community college districts, 20-15-102
  conservation districts, 76-15-320, 76-15-810
  cooperative associations, 35-15-103
  corporations, 25-5-104, 35-1-108, 35-1-922; Title 25, chapter 20, M.R.Civ.P., Rules 9(a), 23.1, 23.2
    business trusts, 35-5-103

CIVIL PROCEDURE (Continued)

Parties to action (Continued)
- corporations (Continued)
  - foreign, 32-1-103, 35-18-107
  - nonprofit, 35-2-107, 35-2-712
  - religious, 35-3-205
- county superintendent of schools, 20-1-204
- credit union, 32-3-321, 32-3-401
- death, effect, See **Survival of action; DEATH, Actions, effect on**
- declaratory judgments, 27-8-301
- defendant, who as, 25-5-101
- designation, 25-5-101
- exclusion from proceedings not permitted, Title 26, chapter 10, M.R.Ev., Rule 615
- existence, averment not necessary, Title 25, chapter 20, M.R.Civ.P., Rule 9(a)
- fictitious names, use, 25-5-103
- friend, Title 25, chapter 20, M.R.Civ.P., Rule 17(c)
- grazing districts, 76-16-324
  - owners of trespassing livestock, recovery of charge for damages, 76-16-314
- guardian, 27-1-511; Title 25, chapter 20, M.R.Civ.P., Rules 17(a), 17(c)
- guardian ad litem, Title 25, chapter 20, M.R.Civ.P., Rule 17(c)
- housing, board of, 90-6-104
- incompetent persons, representation, Title 25, chapter 20, M.R.Civ.P., Rules 17(c), 25(b)
- indexes, 3-5-501, 3-5-502
- indispensible, See **Joinder of parties**
- infants, representation, Title 25, chapter 20, M.R.Civ.P., Rule 17(c)
- insurance guaranty associations, 33-10-105, 33-10-205
- insurance joint underwriting associations, 33-22-804
- insurers
  - farm mutual, 33-4-103
  - reciprocal, 33-5-103
- interpleader, See **Interpleader**
- intervention
  - fee, 25-1-201
  - form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 19
  - motion, Title 25, chapter 20, M.R.Civ.P., Rule 24(c)
  - permissive, Title 25, chapter 20, M.R.Civ.P., Rule 24(b)
  - right, Title 25, chapter 20, M.R.Civ.P., Rule 24(a)
  - state, by, 25-1-501; Title 25, chapter 20, M.R.Civ.P., Rules 24(b), 24(c)
  - unknown parties defendant, 25-3-504
- joinder, See **Joinder of parties**
- joint tenants, 70-1-310, 70-1-311
- judge or justice, grounds for disqualification, 3-1-802
- jury duty, relationship grounds for challenge in criminal proceeding, 46-16-304
- justices' courts, See **JUSTICES' COURTS**
- limited partnerships, derivative actions, 35-12-1401, 35-12-1402
- minors, 27-1-511
- natural resources and conservation, department of, 76-15-810
- necessary parties, See **Joinder of parties**
- nonprofit corporations, 35-2-107, 35-2-712
- personal representative, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- plaintiff, who as, 25-5-101
- public service commission, 69-13-203
- ratification, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- realty regulation, board of, 76-4-1204
- receiver, 27-20-302, 30-14-132, 35-1-922, 35-2-712
- religious corporations, 35-3-205
- representative, Title 25, chapter 20, M.R.Civ.P., Rules 17(a), 17(c), See also specific type of representative
- school districts, 20-6-101, 20-9-437
- school trustees, 20-1-204
- small claims court, See **SMALL CLAIMS COURT — DISTRICT COURT; SMALL CLAIMS COURT — JUSTICES' COURTS**

CIVIL PROCEDURE (Continued)

Parties to action (Continued)
- spouses
  - capacity, 25-5-201, 40-2-107
  - defense, right of, 25-5-202
- subsequent action, when considered the same, 26-3-103
- substitution
  - death, upon, Title 25, chapter 20, M.R.Civ.P., Rules 25(a), 25(d)
  - deposition, effect upon, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
  - incompetent persons, for, Title 25, chapter 20, M.R.Civ.P., Rule 25(b)
  - public officer, successor, Title 25, chapter 20, M.R.Civ.P., Rule 25(d)
  - transfer of interest, upon, Title 25, chapter 20, M.R.Civ.P., Rule 25(c)
- tenants in common, 70-1-310, 70-1-311
- third parties, See **Third parties**
- trustee, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- unknown parties defendant, 25-3-504
  - municipal court, 25-30-101
- utilities, rural cooperatives, 35-18-106
  - foreign, 35-18-107

Paupers, See **In forma pauperis**

Payment of claim
- defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**
- evidence, as, See **EVIDENCE, Voluntary payment of claim**

Pendency of action, 25-1-103
- Montana code annotated, effect, 1-11-103

Peremptory challenges
- judge or justice, 3-1-802
- juries, See **JURIES AND JURORS, Challenges, peremptory**

"Person" defined, Title 25, chapter 20, M.R.Civ.P., Rule 4A

Perpetuation of testimony, See **DEPOSITIONS; EVIDENCE**

Physical examination, See **Discovery**

Pleadings, See **PLEADINGS**

Pleas, abolishment, Title 25, chapter 20, M.R.Civ.P., Rule 7(c)

Postponement, See **Continuance or postponement**

Preponderance of evidence, See **EVIDENCE**

Presumptions, See **EVIDENCE**

Pretrial conference, Title 25, chapter 20, M.R.Civ.P., Rule 16

Prima facie evidence, 26-1-102, See **EVIDENCE**, specific substantive subject area

Printer's affidavit, See **AFFIDAVITS**

Prisoners, testimony of, See **WITNESSES**

Privacy of proceedings when, 3-1-312, 3-1-313

Privileged communications, See **EVIDENCE, Privileges**

Process, See also **Service of papers not process; Service of process**
- abuse as contempt, 3-1-501
- amendment, 3-1-111; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- clerk of the court, granting by, Title 25, chapter 20, M.R.Civ.P., Rule 77(c)
- completeness required, 3-10-306
- contempt to be charged when, 3-1-501, 3-10-401, 45-7-309
- court always open for, Title 25, chapter 20, M.R.Civ.P., Rule 77(a)
- definitions, 1-1-202, 25-3-101, 25-3-503
- disobedience as contempt, 3-1-501, 3-10-401, 45-7-309
- execution, See **Service of process**
- fees, collection and disposition, 3-10-222
- insufficiency, defense, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
- interference as contempt, 3-1-501
- issuance
  - attorney general, by, 2-15-501
  - chambers, judge's power at, 3-5-311
  - clerk of the district court, by, 3-5-501
  - court always open, Title 25, chapter 20, M.R.Civ.P., Rule 77(a)
- justices' courts, See **JUSTICES' COURTS**
- military court, form and execution of process, 10-1-404
- municipal courts, 25-30-101

CIVIL PROCEDURE (Continued)

Process (Continued)
    obedience to, court's power to compel, 3-1-111, 3-1-501
    state, reference to, 2-1-101
    subpoenas, See **SUBPOENAS**
    summons, See **Summons**
    territorial extent
        district court, 3-5-304
        justice's court, 3-10-304, 3-10-305
Production of documents and physical objects, See **Discovery**; **EVIDENCE**
Prohibition, writ of, See **WRITS**
Protection of witnesses, See **WITNESSES**
Psychiatric examination, See **Discovery**, physical and mental examinations; See also **COMMITMENT**; **EVIDENCE**, **Mental state**
Public proceedings required, 3-1-312; Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
Questions of fact or law, See **Issues**
Quo warranto, writ of, See **WRITS**
Rebuttable presumptions, See **EVIDENCE**, **Presumptions**
Recall of witness, Title 26, chapter 10, M.R.Ev., Rule 611, See also **EVIDENCE**, **Examination of witness**
Receivers, appointment, See **RECEIVERS**
Recesses, See **Continuance or postponement**; **COURTS**, **Adjournment**
Records, See also **COURTS**; **DISTRICT COURTS**; **DOCKETS**
    evidence, as, See **EVIDENCE**, **Public records**; **Writings and recordings**
    federal court, transmittal to, Title 25, chapter 20, M.R.Civ.P., Rule 77(e)
    indexes, 3-5-501 — 3-5-503, 3-5-513
    justices' courts, See **JUSTICES' COURTS**, **Dockets and records**
    mistakes, See **Mistakes**
    production, See **Discovery**
    small claims court, justice's court, 25-35-703, 25-35-804
Reexamination of witness, Title 26, chapter 10, M.R.Ev., Rule 611, See also **EVIDENCE**, **Examination of witness**
Referees, See **COURTS**
Reference to master, See **COURTS**, **Masters**
Reference to referee, See **COURTS**, **Referees**
Registers of court proceedings, Title 3, chapter 5, part 5
Release, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**
Relevance, See **EVIDENCE**
Removal of action, See **Transfer of actions**; **VENUE**, **Change of**
Reputation, See **EVIDENCE**
Res gestae, See **EVIDENCE**
Res judicata, Title 25, chapter 20, M.R.Civ.P., Rule 8(c); Title 26, chapter 3
Review, writ of, See **WRITS**, **Certiorari**
Rules of Civil Procedure, See also this main category generally
    adoption by supreme court, Title 3, chapter 2, part 7, See **SUPREME COURT**
    amendments, Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
    applicability
        adoption proceedings, 40-8-124
        banking board, state — hearings, 32-1-205
        building code violations, injunctions, 50-60-109
        certiorari, 27-25-103
        child abuse cases, 41-3-401, 41-3-403
        child support
            debt, notice, 40-5-222
            financial responsibility of responsible parent, notice and finding, 40-5-225
            liability, notice, 40-5-223
        consumer counsel, 69-2-203
        consumer protection, 30-14-115
        corporations, service of process, 35-1-930, 35-2-304, 35-2-813
        declaration of invalidity proceedings, 40-1-105
        discrimination, contested case hearings, 49-2-505
        dissolution of marriage proceedings, 40-4-103, 40-4-105
        eminent domain, 70-30-201

CIVIL PROCEDURE (Continued)

Rules of Civil Procedure (Continued)
- applicability (Continued)
  - forcible entry and detainer and unlawful detainer, 70-27-212
  - generally, Title 25, chapter 20, M.R.Civ.P., Rules 1, 81, 82
  - grandparent visitation, 40-9-101
  - habeas corpus, depositions as evidence, 46-22-305
  - hail insurance, board of — suits against, 80-2-243
  - insurers
    - delinquency proceedings, jurisdiction, 33-2-1306
    - supervision orders and notice of hearings, 33-2-1321
  - landlord-tenant disputes, 70-24-109
  - legal separation proceedings, 40-4-103, 40-4-105
  - liens
    - crop dusting, 71-3-909
    - farm laborers, 71-3-406
    - mechanics, 71-3-519
    - threshers, 71-3-809
  - malpractice, application for panel review, 27-6-305
  - mandamus, 27-26-103
  - marriage laws, 40-1-105
  - motor vehicle financial responsibility bonds, foreclosure actions or proceedings, 61-6-137
  - outfitters and guides, appeal procedures for license suspension, revocation, or denial, 87-4-143
  - partition, 70-29-201
  - paternity proceedings
    - actions, 40-6-115
    - notices, 40-6-127, 40-6-128
    - personal jurisdiction in district court, 40-6-109
    - process, service of, 40-6-109
  - probate proceedings, Title 25, chapter 20, M.R.Civ.P., Rule 1
  - quiet title, 70-2-202, 70-28-102, 70-28-202
  - state lands, actions affecting, 77-1-111
  - tort actions against governmental entities, 2-9-311
  - tramways, return of corrective order, 23-2-723
  - unfair trade practices, 30-14-115, 30-14-222
  - youth court summons, 41-5-503
- citation, Title 25, chapter 20, M.R.Civ.P., Rule 85
- conflicting statutes, Title 25, chapter 20, M.R.Civ.P., Rule 86(b)
- construction, Title 25, chapter 20, M.R.Civ.P., Rule 1
- district court rules, compatibility with, Title 25, chapter 20, M.R.Civ.P., Rule 83
- effective date, 3-2-707; Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
- exemptions, Title 25, chapter 20, M.R.Civ.P., Rule 81(a)
- forms, Title 25, chapter 20, M.R.Civ.P., Rule 84 and Appendix
- judicial notice of, Title 26, chapter 10, M.R.Ev., Rule 202
- jurisdiction, Title 25, chapter 20, M.R.Civ.P., Rule 82
- publication
  - frequency, 25-3-502, 25-3-503; Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
  - Montana code annotated, with, 1-11-204
- scope, Title 25, chapter 20, M.R.Civ.P., Rule 1
- statutes
  - incorporated into, Title 25, chapter 20, M.R.Civ.P., Rule 81(c)
  - superseded, Title 25, chapter 20, M.R.Civ.P., Rule 86(b)
- title, Title 25, chapter 20, M.R.Civ.P., Rule 85
- venue, Title 25, chapter 20, M.R.Civ.P., Rule 82

Rules of court, See **COURTS**; **DISTRICT COURTS**

Rules of Evidence, Title 26, chapter 10, See **EVIDENCE**, generally

Rulings of court
- evidence, on, See **EVIDENCE**
- formal exceptions unnecessary, Title 25, chapter 20, M.R.Civ.P., Rule 46

Sealed verdicts, 25-7-303

Security, See also generally **SURETY BONDS**; **UNDERTAKINGS**
- class actions, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)

CIVIL PROCEDURE (Continued)

Security (Continued)
- deposit of money in lieu of undertaking, 25-1-401
  - city courts, 25-1-401
  - justice's court, 25-1-401, 25-31-115, 25-31-402
  - municipal court, 25-30-101
- dismissal when not given, 25-10-602
- extension of time, 25-1-301
- governmental entities not required to give, 25-1-402, 27-19-306; Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
- indigent persons, 25-10-404, See also **In forma pauperis**
- justices' courts, See **JUSTICES' COURTS, Undertakings**
- quo warranto proceedings, 27-28-104
- required when, 25-10-601
- supersedeas bond, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 23
- waiver, Title 25, chapter 20, M.R.Civ.P., Rule 62(e)

Seizure of property, Title 25, chapter 20, M.R.Civ.P., Rule 64, See also **ATTACHMENT OF PROPERTY; EXECUTION**

Separate trials, See **Severance**

Service of papers not process
- affidavit of service, Title 25, chapter 20, M.R.Civ.P., Rules 4D, 5(f)
- appeals, in, See **APPEALS, CIVIL**
- attorney of party, upon, 25-3-402
- claim and delivery, proceedings for, 27-17-203, 27-17-205
- clerk of the court, upon, 25-3-402
- drug violations, notice of seizure and intention to institute forfeiture proceedings, 44-12-201
- filing
  - defined, Title 25, chapter 20, M.R.Civ.P., Rule 5(e)
  - notice, as, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
  - required, Title 25, chapter 20, M.R.Civ.P., Rule 5(d)
- mail, additional time when service by, Title 25, chapter 20, M.R.Civ.P., Rule 6(e)
- manner, Title 25, chapter 20, M.R.Civ.P., Rule 5(b)
- nonresidents, 25-3-401, 25-3-402
- notice required after appearance of defendant, 25-3-401
- numerous defendants, Title 25, chapter 20, M.R.Civ.P., Rule 5(c)
- proof of service, 26-1-1002, 26-1-1011; Title 25, chapter 20, M.R.Civ.P., Rules 4D, 5(f)
- required when, 25-3-401; Title 25, chapter 20, M.R.Civ.P., Rule 5(a)
- residence out-of-state, 25-3-401, 25-3-402

Service of process, See also **Process**; **Service of papers not process**
- adoption proceedings, 40-8-124
- affidavit of service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- amended pleading, Title 25, chapter 20, M.R.Civ.P., Rule 15(c)
- appeals, in, See **APPEALS, CIVIL**
- attorney general, upon in public contract actions, 18-1-412
- banks and trust companies, proceedings on unsafe practices and removal of directors or officers, 32-1-911
- certificate of service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- child custody proceedings, 40-7-106
- claim and delivery, proceedings for, 27-17-205
- condominium sales, 70-23-301, 70-23-901, 70-23-902
- constables, by, 3-10-701, 3-10-706; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - deputy, 3-10-704, 3-10-705
- contracts, provisions to accept prohibited, 28-2-709
- copies, 25-3-201, 25-3-501, 25-10-402; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- costs
  - copies, 25-10-402
  - justices' courts, in, 3-10-222
  - prepayment, 25-3-203
- criminal proceeding, exemption from civil process when
  - extradition proceedings, under, 46-30-404
  - subpoenaed as witness in, 46-15-112, 46-15-114
- definitions, 25-3-101, 25-3-503

CIVIL PROCEDURE (Continued)

Service of process (Continued)
- delivery to officer, 25-3-201
  - elisor, 25-3-206
- elisors, execution by, 25-3-206
- evidence, sheriff's return as, 25-3-302
- execution
  - coroner a party, 25-3-206
  - coroner, by, 25-3-205
  - elisor, by, 25-3-206
  - exhibition of process, 25-3-204
  - justification, 25-3-202
  - required, 25-3-202
  - sheriff a party, 25-3-205, 25-3-206
  - telephonic or telegraphic copy, 25-3-501
- exemption when
  - extradition proceedings, under, 46-30-404
  - subpoenaed as witness in criminal proceeding, 46-15-112, 46-15-114
- exhibition of process, 25-3-204
- federal lands, upon, 2-1-202
- fees
  - copies, 25-10-402
  - justice's court, 3-10-222
  - prepayment, 25-3-203
- fire hazards, service by publication of order to repair or demolish, 50-62-103
- foreign corporations, 35-1-807, 35-18-107; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- fort peck dam territory, on, 2-1-209
- forwarding to another county, 25-3-201, 25-3-301
- generally, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- geophysical exploration firms, 82-1-102
- glacier national park, within, 2-1-205
- indian land, upon, 2-1-307
- insufficiency, defense, Title 25, chapter 20, M.R.Civ.P., Rules 12(b), 12(h)
- insurance, commissioner of — on, See **INSURANCE, COMMISSIONER OF**
- insurance joint underwriting associations, 33-22-804, 33-22-805
- insurers, against, See **INSURANCE — SURPLUS LINE, Insurers**; **INSURERS ORGANIZATION AND REGULATION GENERALLY, Service of process**
- jurisdiction over persons, acquisition by, Title 25, chapter 20, M.R.Civ.P., Rule 4B
- justice's court, See **JUSTICES' COURTS**
- long arm statutes, See **LONG ARM STATUTES**
- mail, additional time when service by, Title 25, chapter 20, M.R.Civ.P., Rule 6(e)
- marshal of supreme court, by, 3-2-502
- military court, 10-1-404
- military reservations, on, 2-1-204
- municipal courts, 25-30-101
- national parks, in, 2-1-205, 2-1-207
- nonresident motorists
  - acceptance of provisions construed, 25-3-601, 25-3-602
  - agent, vehicle operation by, 25-3-603
  - fee, 25-10-206
  - record of service, 25-3-604
  - secretary of state, consent to service upon as attorney of motorist, 25-3-602 — 25-3-604
  - use of highways conditional, 25-3-601
  - validity of service, 25-3-602, 25-3-603
- nonresidents generally, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- out-of-state service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- partial service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- personal service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- "person" defined, Title 25, chapter 20, M.R.Civ.P., Rule 4A
- proof of service, 26-1-1002, 26-1-1011; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- publication, service by, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - costs, 25-10-201

CIVIL PROCEDURE (Continued)

Service of process (Continued)
  publication (Continued)
    frequency of publication, 25-3-502, 25-3-503
    state, notice by or for, See **PRINTING, Legal notices by or for state**
  public service commission, power regarding, 69-14-113
  quiet title action, See **QUIETING TITLE**
  refusal of delivery for service, 25-3-201
  residence out of state of person to be served, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  return, Title 25, chapter 20, M.R.Civ.P., Rule 4D
    evidence, as, 25-3-302
    filing, 25-3-301
    manner, 25-3-301
    required, 25-3-301
    telephonic or telegraphic copy, 25-3-501
    time, 25-3-301
  secretary of state, upon, See **SECRETARY OF STATE**
  securities, consent for service, 30-10-208
  sheriff, by, 25-3-201; Title 25, chapter 20, M.R.Civ.P., Rule 4D, See **COUNTY SHERIFF**
  small claims court, See **SMALL CLAIMS COURT — DISTRICT COURT; SMALL CLAIMS COURT — JUSTICES' COURTS**
  subdivisions out-of-state, in-state sales — method, 76-4-1251
  supreme court processes, service by marshal, 3-2-502
  tax appeals, service on department of revenue, 15-8-115
  telephone or telegraph, by, 25-3-501
  transfer to another county, 25-3-201
  tuberculosis, proceedings for treatment or examination, 50-17-106
  unauthorized insurers, against, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Service of process**
  unknown parties defendant, 25-3-504, 25-3-505; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  utilities, foreign rural cooperatives, 35-18-107
  who may serve, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  within the state, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  yellowstone national park, within, 2-1-207
  youth court, 41-5-502, 41-5-503
Set aside, form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 12
Setoff
  agency, dealings without knowledge of, 28-10-608
  assignment of right to action, effect, 27-1-503
  bank deposits and collections, 30-4-201, 30-4-303
  secured transactions, 30-9-104, 30-9-306
  small claims court, 25-34-207, 25-35-606
Settlement, See **Compromise**
Severance, Title 25, chapter 20, M.R.Civ.P., Rule 42(b)
  admission, partial — upon, 25-4-601
  joinder of parties, upon, Title 25, chapter 20, M.R.Civ.P., Rules 20(b), 21
  judgment, Title 25, chapter 20, M.R.Civ.P., Rule 13(i)
  justices' courts, 25-31-102
  third party claims, Title 25, chapter 20, M.R.Civ.P., Rules 14(a), 42(b)
Small claims court, See **SMALL CLAIMS COURT — DISTRICT COURT; SMALL CLAIMS COURT — JUSTICES' COURTS**
Special proceedings, See **SPECIAL PROCEEDINGS**
Statement of claim upon which relief can be granted, See **PLEADINGS, Statement of claim**
Statutes of fraud, See **STATUTES OF FRAUD**
Statutes of limitation, See **STATUTES OF LIMITATION**
Stay of proceedings
  affidavit to obtain, 26-1-1002
  appeal, when, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  certiorari proceedings, 27-25-203
  discovery, for failure to comply with order, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
  dismissal, costs of previously-dismissed action, Title 25, chapter 20, M.R.Civ.P., Rule 41(d)
  injunction prohibited when, 27-19-103

CIVIL PROCEDURE (Continued)

- **Stay of proceedings** (Continued)
  - mentally ill, when defendant is, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - security, waiver, Title 25, chapter 20, M.R.Civ.P., Rule 62(e)
  - statute of limitations, effect on, 27-2-406
- **Subpoenas**, See **SUBPOENAS**
- **Subscribing witness**, See **EVIDENCE**
- **Substitute judge or justice**, 3-1-802, See also specific court
- **Substitution of counsel**, 37-61-403 — 37-61-405
- **Substitution of parties**, See **Parties to action**
- **Summary proceedings**
  - agreed statement of facts, See **Agreed statement of facts**
  - arbitration, See **ARBITRATION**
  - forcible entry and detainer and unlawful detainer, 70-16-109, See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER**
  - habeas corpus, hearing on writ, 46-22-304
  - judgment on the pleadings, Title 25, chapter 20, M.R.Civ.P., Rules 12(c), 12(d), 12(h)
  - rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
  - submission of controversy without action, See **SPECIAL PROCEEDINGS**
  - summary judgment, See **JUDGMENTS AND DECREES**
- **Summons**, See also **Process**; **Service of process**
  - additional parties, Title 25, chapter 20, M.R.Civ.P., Rule 4C
  - arrest, in lieu of — service, 46-6-301, 46-6-304
  - attorneys at law, issued to — when, 37-61-304, 37-61-305
  - city court, 25-32-103
  - clerk of the supreme court, issuance when, 37-61-304, 37-61-305
  - eminent domain, 70-30-202, 70-30-204
  - form, Title 25, chapter 20, M.R.Civ.P., Rule 4C and Appendix, Forms 1, 18
  - habeas corpus, applicability of laws, 46-22-206
  - highway patrol arrests, upon, 44-1-1101
  - issuance, Title 25, chapter 20, M.R.Civ.P., Rule 4C
  - juries and jurors, See **JURIES AND JURORS**, specific jury
  - justices' court, service from, 3-10-304, See also **JUSTICES' COURTS**
  - municipal court, 25-30-103
  - partial service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - process, defined as, 25-3-101
  - professional and occupational licensing, department of — service on, when, 37-51-306
  - publication, service by, Title 25, chapter 20, M.R.Civ.P., Rule 4D, See also **Service of process**
  - quiet title action by heirs of deceased entryman, See **QUIETING TITLE**
  - secretary of state, service upon, See **SECRETARY OF STATE**, **Service of process upon**
  - service with complaint, Title 25, chapter 20, M.R.Civ.P., Rule 4D, See also **Service of process**
    - arrest, summons in lieu of — applicability of laws, 46-6-301, 46-6-304
    - business association, on, 25-5-104, 46-6-304
    - failure to serve, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
    - habeas corpus, applicability of laws, 46-22-206
  - tax deed, action for, 15-18-304
  - third-party claims, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)
  - unknown parties defendant, 25-3-504
  - youth court, in, 41-5-502, 41-5-503
- **Supersedeas bond**, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 23
- **Supreme court**, original proceedings in, Title 25, chapter 21, M.R.App.Civ.P., Rule 17, See **SUPREME COURT**
- **Sureties**, See **Security**
- **Survival of action**, 27-1-501; Title 25, chapter 20, M.R.Civ.P., Rule 25
  - appeals, Title 25, chapter 21, M.R.App.Civ.P., Rules 4, 37
  - counterclaim, 25-4-401, 25-4-402, 27-1-502
  - defenses, 27-1-501, 27-1-503
  - real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
  - securities fraud, 30-10-307
  - verdict, death of party after, 25-9-103

CIVIL PROCEDURE (Continued)

Terms of court, See **DISTRICT COURTS**; See also **Time**
Testimony, See **EVIDENCE**
Third parties, See also **PLEADINGS**, generally
  counterclaim, effect when compulsory, Title 25, chapter 20, M.R.Civ.P., Rule 13(a)
  default judgment, entitlement, Title 25, chapter 20, M.R.Civ.P., Rule 55(d)
  defendant may bring, Title 25, chapter 20, M.R.Civ.P., Rule 14(a)
  dismissal, Title 25, chapter 20, M.R.Civ.P., Rule 41(c)
  enumeration of pleading, Title 25, chapter 20, M.R.Civ.P., Rule 7(a)
  evidence, See **EVIDENCE**
  execution, 25-13-503
  form for complaint, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 18
  intervention by, Title 25, chapter 20, M.R.Civ.P., Rule 24(a), See **Parties to action**
  joinder of claims, Title 25, chapter 20, M.R.Civ.P., Rule 18(a)
  justices' courts, 25-31-502, See **JUSTICES' COURTS**, **Pleadings**
  plaintiff may bring, Title 25, chapter 20, M.R.Civ.P., Rule 14(b)
  separation of trials, Title 25, chapter 20, M.R.Civ.P., Rule 42(b)
Time, See also **STATUTES OF LIMITATION**
  answer, Title 25, chapter 20, M.R.Civ.P., Rule 12(a)
  commencement of action, 25-1-102, 27-2-102
  computation, 1-1-306; Title 25, chapter 20, M.R.Civ.P., Rule 6(a)
  enlargement, Title 25, chapter 20, M.R.Civ.P., Rule 6(b)
  extension, 25-1-301; Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 6(e)
    stipulation, Title 25, chapter 20, M.R.Civ.P., Rule 55(c)
  injunction, preliminary, 27-19-303
  judicial notice, for, Title 26, chapter 10, M.R.Ev., Rules 201, 202
  justices' courts, See **JUSTICES' COURTS**, **Trial**
  mail service, additional time, Title 25, chapter 20, M.R.Civ.P., Rule 6(e)
  motions, service, Title 25, chapter 20, M.R.Civ.P., Rule 6(d)
  original proceedings in supreme court, filing of briefs, Title 25, chapter 21, M.R.App.Civ.P., Rule 17
  pleadings, See **PLEADINGS**
  small claims court, removal to justice's court, 25-35-605
  substitution of judge, 3-1-802
  term of court, effect of expiration, Title 25, chapter 20, M.R.Civ.P., Rule 6(c)
  trial, See **COURT CALENDAR PRECEDENCE**
Transcript of proceedings, See also **Records**
  appeal, in, See **APPEALS, CIVIL**
  copies, distribution requirements, 3-5-604
  fees for, 3-5-604, 25-1-202, 25-10-201
  masters, in trials before, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
  new trial, reference as minutes of the court, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
  prima facie evidence, as, 3-5-612; Title 25, chapter 20, M.R.Civ.P., Rule 80
  proof, Title 25, chapter 20, M.R.Civ.P., Rule 80
  required, 3-5-603, 3-5-611
Transfer of actions, See also **VENUE, Change of**
  city court, from, 25-33-104
  federal court, to, Title 25, chapter 20, M.R.Civ.P., Rule 77(e)
  fees and costs, 25-1-201, 25-10-204, 25-31-1005
  judgment, docketing, 25-9-302, 25-9-303
  justice court, from, 25-31-102, 25-31-1005, 25-33-104
  motion or return of order, when judge unable to hear, 25-4-102
Transfer of interest in action, 27-1-501; Title 25, chapter 20, M.R.Civ.P., Rule 25(c)
  counterclaim, survival, 27-1-502
  defenses, survival, 27-1-501, 27-1-503
Translators, See **Interpreters**
Trial by court
  agreement for, Title 25, chapter 20, M.R.Civ.P., Rule 39(a)
  city court, 25-32-104
  issues of law, decision by, 25-7-102, 26-1-201; Title 26, chapter 10, M.R.Ev., Rule 202
  jury issues, nonexistent, Title 25, chapter 20, M.R.Civ.P., Rule 39(a)
  jury trial not demanded, Title 25, chapter 20, M.R.Civ.P., Rule 39(b)

CIVIL PROCEDURE (Continued)

- **Trial by court** (Continued)
  - justice's court, 25-31-803, See also **JUSTICES' COURTS**, **Trial**
  - municipal court, 25-30-101
- **Trial by jury**, 25-7-103; Title 25, chapter 20, M.R.Civ.P., Rule 38(a), See also **Verdict**; **JURIES AND JURORS**, generally
  - consent, 25-7-102; Title 25, chapter 20, M.R.Civ.P., Rule 39(c)
  - court order for, Title 25, chapter 20, M.R.Civ.P., Rule 39(b)
  - declaratory judgments, 27-8-302
  - demand for, See **JURIES AND JURORS**, **Right to jury trial**
  - issues of fact decided by, 25-7-103, 26-1-202
  - issues of law decided by when, 25-7-102
  - justices' courts, See **JUSTICES' COURTS**, **Jury**; **Trial**
  - mandamus, for writ, 27-26-303, 27-26-306
  - masters, before
    - evidence, report, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
    - reference to, Title 25, chapter 20, M.R.Civ.P., Rule 53(b)
  - municipal court, 25-30-101
  - order for trial, Title 25, chapter 20, M.R.Civ.P., Rule 39(b)
  - order of trial, 25-7-301
  - quo warranto, for writ, 27-28-207
  - retrial, 25-7-305
  - small claims court, district court, 25-34-301, 25-34-302, 25-34-401
  - waiver, Title 25, chapter 20, M.R.Civ.P., Rule 38(d)
- **Undertakings**, See **Security**
- **Vacancy of judicial office**, effect on proceedings, 3-1-311
- **Venue**, See **VENUE**
- **Verdict**
  - consent to jury trial, effect of verdict, Title 25, chapter 20, M.R.Civ.P., Rule 39(c)
  - content, 25-7-502, 25-7-503
  - death of party, effect, 25-9-103; Title 25, chapter 20, M.R.Civ.P., Rule 25(a)
  - deliberations of jury, See **JURIES AND JURORS**, **Deliberations**
  - directed, Title 25, chapter 20, M.R.Civ.P., Rule 50(a)
    - issues of fact, when none, 25-7-302
    - stay of proceedings for, Title 25, chapter 20, M.R.Civ.P., Rule 62(b)
  - evidence, See also **EVIDENCE**, **Weight and sufficiency of evidence**
    - new trial when insufficient, 25-11-102
    - preponderance of evidence, 26-1-403
  - foreman's duties, 25-7-501
  - harmless error not grounds for set aside, Title 25, chapter 20, M.R.Civ.P., Rule 61
  - inquiry into validity, juror as witness, Title 26, chapter 10, M.R.Ev., Rule 606
  - instructions to jury, See **JURIES AND JURORS**
  - interrogatories, answers accompanying verdict, Title 25, chapter 20, M.R.Civ.P., Rule 49(b)
  - judgment notwithstanding verdict
    - appeal, suspension of time for filing notice, Title 25, chapter 21, M.R.App.Civ.P., Rule 5
    - conditional rulings upon grant, Title 25, chapter 20, M.R.Civ.P., Rule 50(c)
    - denial, Title 25, chapter 20, M.R.Civ.P., Rule 50(d)
    - motion for, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 50(b)
    - new trial, motion for, Title 25, chapter 20, M.R.Civ.P., Rules 50(b), 50(c)
    - when, Title 25, chapter 20, M.R.Civ.P., Rules 6(b), 50(b)
  - misconduct grounds for new trial, 25-11-102
  - money, finding of amount of recovery, 25-7-502
  - new trial, grounds for, 25-11-102, See **New trial**
  - nonjudicial days, 3-1-302
  - number of jury concurring required to render, 25-7-403; Title 25, chapter 20, M.R.Civ.P., Rule 48
  - personal property, finding of value and damages, 25-7-503
  - polling of jury, 25-7-501
  - preponderance of evidence, 26-1-403
  - prevention, 25-7-305
  - receipt of verdict, nonjudicial days, 3-1-302
  - return, 25-7-501

CIVIL PROCEDURE (Continued)

Verdict (Continued)
  sealed, 25-7-303
  signing, 25-7-501
  small claims court, effect, 25-34-401
  special, Title 25, chapter 20, M.R.Civ.P., Rule 49(a)
    agreed statement of facts, effect as, 25-7-602
  two-thirds agreement, 25-7-403; Title 25, chapter 20, M.R.Civ.P., Rule 48
  writing required, 25-7-501
  written findings, Title 25, chapter 20, M.R.Civ.P., Rules 49(a), 49(b)
Voluntary payment of claim, See **EVIDENCE**
Waiver, affirmative defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c), See also **Defenses**
Weight and sufficiency of evidence, See **EVIDENCE**
Witnesses, See **WITNESSES**
Writs, See **WRITS**
Youth court procedures, See **YOUTH COURT**

CIVIL PROCEDURE, RULES OF, Title 25, chapter 20

  See **CIVIL PROCEDURE**, generally

CIVIL PROCEDURE, RULES OF APPELLATE, Title 25, chapter 21

  See **APPEALS, CIVIL**, generally

CIVIL RIGHTS

  See generally **DISCRIMINATION**; **RIGHTS**

CIVIL SERVICE

  See **PUBLIC EMPLOYEES**; **PUBLIC OFFICERS**

CLAIM AND DELIVERY

  See also **PERSONAL PROPERTY**, **Actions**; **REMEDIES**, generally; **SPECIAL PROCEEDINGS**, generally

Affidavit of plaintiff
  contents, 27-17-201
  description of property, 27-17-201, 27-17-202
  endorsement, 27-17-102, 27-17-204
  filing, 27-17-302
  grounds, 27-17-201
  justice's court, 27-17-102
  required, 26-1-1002, 27-17-201
  seizure order, attachment to, 27-17-203
  service on defendant, 27-17-205
Affidavit of sureties, 27-17-309
Affidavit of third person claiming right to property, 27-17-309
Appeal
  permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  supersedeas bond, Title 25, chapter 21, M.R.App.Civ.P., Rule 7
Applicability of laws, justice's court, 27-17-102
Arrest, prejudgment, 27-16-102
Available when, 27-1-432, 27-17-201
  counterclaim by defendant, 27-15-102
Condition of property, duty to maintain, 27-17-402
Counterclaim by defendant, availability when, 27-15-102
County sheriff, duties, See **COUNTY SHERIFF**
Damages for detention or injury of property, 27-1-320, 27-17-401, 27-17-403

CLAIM AND DELIVERY (Continued)

Delivery to plaintiff
  concealed property, 27-17-206
  fees, prepayment, 27-17-301
  judgment for return to defendant, effect, 27-17-401
  public demand, 27-17-206
  return to defendant
    judgment for, 27-17-401
    when not required, 27-17-308
  sureties of defendant, upon failure to justify, 27-17-306
  sureties of plaintiff, effect of exception, 27-17-303
  third party claims, effect, 27-17-309
Expenses, 27-17-301
Fees, 27-17-301
Grounds, 27-1-432, 27-17-201
Indemnification of sheriff, 27-17-309
Injury to property, 27-17-402 — 27-17-404
Judgment
  extent, 27-17-401
  form, 27-17-401
  justice's court, 27-17-401
Justice's court
  affidavit, 27-17-102
  applicability of laws, 27-17-102, 27-17-401
  judgment, 27-17-401
  jurisdiction, 3-10-301
Municipal court, 25-30-101
Notice
  claim for delivery
    filing, 27-17-302
    required, 27-17-203
    service on defendant, 27-17-205
  sureties of defendant, justification, 27-17-306
  sureties of plaintiff, exception to, 27-17-303
Order for seizure required, 27-17-203
Return of execution, 27-17-302
Return of property to defendant
  fees, prepayment, 27-17-301
  judgment for, 27-17-401
  manner, 27-17-304
  partial return, 27-17-305, 27-17-308
  requirement by defendant, 27-17-304
  when, 27-17-306
Sale of damaged property, 27-17-404
Sales, See **SALES**, **Recovery of goods**
Seizure of property
  affidavit of necessity, 27-17-201
  concealed property, 27-17-206
  directions to sheriff, 27-17-204
  order required, 27-17-203
  unlocatable property, 27-17-207
  when, 27-17-205
Sheriff's duties, See **COUNTY SHERIFF**
Show cause hearing, 27-17-203
Statute of limitations, 27-2-207
Sureties of defendant
  justification, 27-17-306, 27-17-307
  liability, 27-17-304, 27-17-306
  qualifications, 27-17-307
  second taking of property, 27-17-405
Sureties of plaintiff
  exception to, 27-17-303
  justification, 27-17-303, 27-17-307

CLAIM AND DELIVERY (Continued)

Sureties of plaintiff (Continued)
  liability, 27-17-205
  qualifications, 27-17-205, 27-17-307
  second taking of property, 27-17-405
  third party claims, against, 27-17-309
  waiver of objection, 27-17-303
Third party claims, 27-17-309
  answer of defendant, 27-17-310
Time for claim for delivery, 27-17-101
Undertaking of defendant
  amount, 27-17-304
  form, 27-17-304
  injury to property, 27-17-403
  required when, 27-17-304
  second taking of property, 27-17-405
  sureties, See **Sureties of defendant**
Undertaking of plaintiff
  amount, 27-17-205
  filing, 27-17-302
  form, 27-17-205
  injury to property, 27-17-403
  required, 27-17-205
  second taking of property, 27-17-405
  service on defendant, 27-17-205
  sureties, See **Sureties of plaintiff**
  third party claims, against, 27-17-309
Waste, See **Injury to property**
When, 27-17-101

CLASS ACTIONS

  See **CIVIL PROCEDURE**

CLASSIFICATION AND PAY PLAN, STATEWIDE

  See **PUBLIC EMPLOYEES, Classification; Compensation determination**

CLASSIFICATION OF PROPERTY

  See **TAXATION**

CLAY

  See generally **MINES AND MINING; STATE LANDS, Nonmetallic mineral leases**

CLEAN AIR ACT OF MONTANA, Title 75, chapter 2

  See **AIR QUALITY**

CLEAN HANDS DOCTRINE, 27-1-416

CLEAN INDOOR AIR ACT OF 1979, Title 50, chapter 40, part 1

  See **PUBLIC ACCOMMODATIONS, Smoking areas**

CLEARWATER STATE FOREST, 77-5-102

  See also generally **FORESTS AND FORESTRY, State forests**

CLEMENCY

See **PROBATION, PAROLE, AND CLEMENCY**, **Executive clemency**

CLERGY

See also **CHURCHES**; **RELIGION**

Conciliation court — counselors for, when, 40-3-124, 40-3-125
Death penalty, witness at execution, 46-19-103
Elections, limit on influence of, 13-35-218
Execution, exemption, 25-13-612
Marriage, solemnization by, 40-1-301
Privileged communications, 26-1-804
Psychological counseling by, allowed when, 37-17-104
Rabbis, circumcisions performed by, 37-3-103
Taxation, See **TAXATION**
Transportation, free or reduced rates, 69-11-208

CLERK AND RECORDER

See **COUNTY CLERK AND RECORDER**

CLERK OF THE COURT

See **CLERK OF THE DISTRICT COURT**; **MUNICIPAL COURTS**; **SUPREME COURT**

CLERK OF THE DISTRICT COURT

See also **PUBLIC OFFICERS**, generally

Acknowledgments, proof taken by, 1-5-101
Adjournment of court by, 3-1-304, 3-1-305
Administrative rules, copy distributed to and maintenance, 2-4-313
Adoption
  certificate, forwarding to department of health and environmental sciences, 50-15-303
  order, forwarding to department of health and environmental sciences, 50-15-304
Aeronautics licensing, filing of appeal, 67-3-104
Agricultural associations
  petition for incorporation, duties, 35-16-202, 35-16-203
  withdrawal, share of liabilities paid to, 35-16-304
Air quality orders, appeals from — filing, 75-2-411
Appeals from district court, civil
  agent, as, Title 25, chapter 21, M.R.App.Civ.P., Rule 8
  agreed statement as record on appeal, transmittal to, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  certificate when appeal not timely filed, Title 25, chapter 21, M.R.App.Civ.P., Rule 11
  notice, Title 25, chapter 21, M.R.App.Civ.P., Rule 4
  record on appeal, duties, Title 25, chapter 21, M.R.App.Civ.P., Rules 9, 10
  remittitur, entry of certification, Title 25, chapter 21, M.R.App.Civ.P., Rule 16
  security for costs filed with, Title 25, chapter 21, M.R.App.Civ.P., Rules 6, 8
  statement of evidence or proceedings, to include with record on appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  undertakings filed with, Title 25, chapter 21, M.R.App.Civ.P., Rules 6, 8
Appeals from district court, criminal
  dismissal of appeal, certificate of clerk to support motion, 46-20-318
  in forma pauperis, transcript filed with, 46-20-303
  notice of appeal, filing and notice of filing, 46-20-201
  record on appeal
    agreed statement as, transmittal, 46-20-305
    docket entries constitute, 46-20-301
    retention in district court, 46-20-314

CLERK OF THE DISTRICT COURT (Continued)

Appeals from district court, criminal (Continued)
  record on appeal (Continued)
    statement of evidence included, 46-20-304
    transmission, 46-20-311, 46-20-314
Appeals to district court
  deposit of money in lieu of undertaking, 25-33-205
  transmittal of papers to, 25-33-104, 25-35-804
Arbitration
  award
    entry in judgment book, 27-5-303
    filing with, 27-5-203
  submission, filing with, 27-5-103
Arraignments, duties, 46-12-202
Arrest, prejudgment
  deposit of money in lieu of bail
    certificates of payment, issuance, 27-16-602
    judgment, application to, 27-16-604
  return of order to, 27-16-206, 27-16-404
  sureties, justification to, 27-16-403, 27-16-405 — 27-16-407, 27-16-603
  undertaking filed with, 27-16-205, 27-16-407, 27-16-603
Arrest, privilege from, 46-6-102
Attachment of property
  alias writs, issuance, 27-18-207
  complaint not to be public when, 27-18-111
  corporate securities, duties, 27-18-410, 27-18-411
  estates, defendant's interest in — filing of writ with clerk where estate is being administered, 27-18-412
  judgment, attachment of — duties, 27-18-408
  release filed with, 27-18-732
  undertaking filed with, 27-18-302
Attendance in court, Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
Attorneys
  clerk as, unlawful when, 3-1-601
  roll kept by, Title 25, chapter 20, M.R.Civ.P., Rule 86(a)
Bail
  deposit with, 46-9-401, 46-10-204
  forfeiture, notice of order, 46-9-503
Banks and trust companies, insolvent
  assets, report of disposition to be filed with, 32-1-538
  fiduciary relationships, transfer — duties in, 32-1-807, 32-1-808
Bills of costs, delivery to, 25-10-501
Birth date, judicial determination
  fee, 27-32-104
  judgment, certification and filing, 27-32-104, 27-32-302
  petition, filing with, 27-32-101
Bonds
  criminal cases, index by, 3-5-506
  mechanics' liens, filing with, 71-3-516
Bounty scalps, examination and destruction, 81-7-115
Cemetery associations
  annual report filed with, 35-20-207
  endowment care fund trustees
    appointment, recording, 35-20-308
    bond filed with, 35-20-304
Certification by, 25-1-201
Chambers, attendance in, Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
Change of venue
  costs of, certification, 25-2-205
  real property actions, transmittal of judgment, 25-2-206
  transmittal of papers to, 25-2-203
Child custody
  decrees, foreign
    certified copies, forwarding, 40-7-118, 40-7-121

CLERK OF THE DISTRICT COURT (Continued)

Child custody (Continued)
  decrees, foreign (Continued)
    filed when, 40-7-116
    registry maintained by, 40-7-117
  proceedings, costs and other expenses payable to clerk when, 40-7-108, 40-7-112
Child support, See **Support, administrative enforcement**; **Support, reciprocal enforcement**
Claim and delivery, filings with, 27-17-302
Class action, undertaking filed with, Title 25, chapter 20, M.R.Civ.P., Rule 23(f)
Commitment, forms prescribed for, 2-15-501
Conciliation court, petitions provided by, 40-3-122
Confession of judgment, filing with, 27-9-103, 27-9-104
Consumer Counsel fee amounts, filing of copy, 69-1-227
Contempt of court, charge with, 3-1-501
Copies of documents and papers filed with, 25-1-201
Corporations
  appeal of decision of secretary of state, filing, 35-1-1304
  dissolution, filing of decree and tax clearance certificate, 35-1-927, 35-1-928, 35-2-717
  liquidation, filing of claims with, 35-1-924, 35-2-714
Costs
  bill of costs, delivery to, 25-10-501
  judgment, to include, 25-10-504
  security of nonresident plaintiff to be filed with, 25-10-601
County superintendent of schools, report to, 20-9-332
Court administrator, compliance with, 3-1-703
Criminal proceedings
  appeals, See **Appeals from district court, criminal**
  arraignments, duties, 46-12-202
  assigned counsel, payments to, 46-8-114
  bail, See **Bail**
  death penalty, transmittal of transcript for automatic review, 46-18-309
  defenses, notice to, 46-15-301
  depositions, filing with, 46-15-202
  grand jury, See **Grand jury**
  habeas corpus, service of writ, 46-22-206
  indictment, See **Indictment**
  information, See **Information**
  jurors
    justices' and city courts, filing with, 46-17-202
    list supplied to parties by, 46-16-303
  justices' courts — juries, duties, 46-17-202
  mental disease or defect of defendant, report to, 46-14-203
  postconviction hearings, petition filed with, 46-21-103
  preliminary examination, transcript to, 46-10-204
  records to be kept by
    bonds index, 3-5-506
    register, 3-5-505
  search warrant, filing with, 46-5-204
  sentences, review, See **Sentences, review**
  sentencing data, transmittal to supreme court, 46-18-604
  subpoenas, issuance, 46-15-101
  witnesses, See **Witnesses**
Deaf and Blind, Montana State School for the — certification of orders concerning indigent children, 20-8-108
Death penalty, transmittal of transcript for automatic review, 46-18-309
Decrees, entry by, 3-5-501
Default, entry, Title 25, chapter 20, M.R.Civ.P., Rule 55(a)
Depositions
  filing with, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
    criminal proceedings, 46-15-202
  taken before, 25-4-504
Deposits in court, duties, 25-8-103

CLERK OF THE DISTRICT COURT (Continued)

Deputies
  deposits in court, delivery to, 25-8-103
  limitation, 7-4-3006
Dissolution of marriage decrees, duties respecting, 40-4-108, 40-4-206, 50-15-302, 50-15-303
Distraint, warrants for — filing with, 15-1-704
Docket to be kept by, 3-5-508, 3-5-509
Drug violations, notice of seizure and intention to institute forfeiture proceedings filed with, 44-12-201
Duties generally, Title 3, chapter 5, part 5
Election contest, notice of filing, 13-36-206
Election of
  ballot arrangement, 13-12-207
  tie vote, 13-16-506
Eminent domain, commissioner's report filed with, 70-30-303
Execution
  homesteads, filing of petition, 70-32-204
  justice's court, on judgment of, 25-31-913, 25-35-1101
  receiver, order appointing filed with, 25-14-202, 25-14-204
  recording by, 25-13-405
  return to, 25-13-404
  writ, subscribed by, 25-13-301; Title 25, chapter 20, M.R.Civ.P., Rule 70
Federal courts, transmittals to, Title 25, chapter 20, M.R.Civ.P., Rule 77(e)
Fee book to be kept by, 3-5-501
Fees, 19-5-404, 25-1-201, 25-1-202, See also **CIVIL PROCEDURE**, **Costs**, officers' fees
Findings of fact and conclusions of law, waiver filed with, 25-7-601
Fire hazards, order to repair or demolish
  answer, filing with, 50-62-104
  filing with, 50-62-103
Grand jury
  expenses paid by, 46-11-319
  indictment, See **Indictment**
  transcripts filed with, 46-11-316
    delivery of original to county attorney, 46-11-316
Habeas corpus, service of writ, 46-22-206
Homestead executions on petition, filing of petition, 70-32-204
Indexes to be kept by
  bonds given in criminal cases, 3-5-506
  court records, 3-5-501, 3-5-502
  execution book, 25-13-405
  form of index, 3-5-501 — 3-5-503
  probate records, 3-5-513
Indictment, See also **Grand jury**
  concurrence of jurors, record filed with, 46-11-303
  filing with, 46-11-332
  recording, 46-11-402
Information
  county attorney, statement for not filing filed with, 46-11-204
  district judge, against — transfer of records from supreme court, 46-11-202
  recording, 46-11-402
Injunctions — sureties, justification before, 27-19-306
Inquests, testimony filed with, 46-4-206
Insurers
  conservator, order for appointment — filing, 33-2-1379
  liquidation
    assets
      listing, copy filed with, 33-2-1350
      order for liquidation filed with, 33-2-1380
    order, filing, 33-2-1342
  rehabilitation orders, filing, 33-2-1332
  supervision proceedings, confidentiality of records filed with, 33-2-1323
Investment companies, See **Banks and trust companies**

CLERK OF THE DISTRICT COURT (Continued)

Judge
    multijudge district, stamping of assignment on paper, 3-1-802
    substitution
        acceptance of jurisdiction, copies to attorneys and original judge, 3-1-802
        notice of, 3-1-802
Judgments
    book to be kept by, 3-5-501, 3-5-507
    confession of judgment, filing with, 27-9-103, 27-9-104
    costs, to include, 25-10-504
    counties, filing of dockets in other counties, 25-9-302
    default, entry by, Title 25, chapter 20, M.R.Civ.P., Rule 55(a)
    default judgment, entry by, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
    docketing by, 25-9-301
    entry by, 3-5-501; Title 25, chapter 20, M.R.Civ.P., Rules 58, 77(d)
    federal courts, filing of docket, 25-9-303
    interest, inclusion with entry, 25-9-204
    justice's court, of, 25-31-912, 25-31-914
    notice of entry, Title 25, chapter 20, M.R.Civ.P., Rule 77(d)
    real property, duties when change of venue, 25-2-206
    redemption, certification of docket for, 25-13-807
    satisfaction, docketing by, 25-9-311
Juries and jurors, duties respecting
    additional jurors
        calling, Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
        drawing, presence at, 25-7-206
        notification by jury commissioner when, 3-15-506
    alternate jurors, calling, Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
    call of jurors, 3-15-507; Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
    capsules
        drawing, presence at, 25-7-202, 25-7-206
        preparation, 3-15-507
    certificates, book of, 3-5-510, 3-15-204
    compensation of jurors, 3-5-510, 3-15-204
    drawing of jurors, 3-15-503
    excuse for jurors, affidavits filed with and by, 3-15-313
    grand jury, summoning of, 3-15-601, 3-15-602
    jury box, preparation and keeping, 3-15-404
    jury commissioner, as, 3-15-502, 3-15-503, See **JURIES AND JURORS**, **Jury commissioner**
    list of jurors
        availability to parties, 46-16-303
        delivery to, 3-15-403
        filing by, 3-15-403, 46-17-202
        publication, 46-17-202
    mandamus proceedings, jury box to supreme court clerk, 27-26-303
    order of calling, record, Title 25, chapter 20, M.R.Civ.P., Rule 47(b)
    quo warranto proceedings, jury box to supreme court clerk, 27-28-207
    verdict, duties, 25-7-501
Justices' courts
    execution, issuance, 25-31-913, 25-31-1101
    judgment, filing and docketing, 25-31-912
    juries, duties, 46-17-202
    small claims court, transmittal of record on appeal to, 25-35-804
    transfer of actions, 25-31-102
Law, practice by clerk unlawful when, 3-1-601
Legal separation decrees, duties, 40-4-108, 40-4-206
Liens filed with, See **Taxation**
Livestock markets, certificates for operation — appellant's bonds filed with, 81-8-255
Livestock owners' bonds, approval, 81-4-307
Lobbyists' licenses, revocation or suspension — filing of judgment, 5-7-305
Lotteries, clerk to issue attachment of prize when, 23-5-208
Maintenance payments, trustee for — when, 40-4-206

CLERK OF THE DISTRICT COURT (Continued)

Mandamus proceedings, jury box to supreme court clerk, 27-26-306
Marriage, duties respecting
  certificate of
    evidence, presumptive, 40-1-322
    forwarded to clerk when, 40-1-301
    penalty for nonregistration, 40-1-321
    provided by, 40-1-202
    report to department of health and environmental sciences, 50-15-301
  declaration of invalidity, duties, 50-15-302, 50-15-303
  declaration of marriage, procedures, 40-1-311, 40-1-324
  licenses
    application, 40-1-201
    fee, 40-1-202
    issuance, 40-1-201 — 40-1-203
      prohibited when, 40-1-210
    judicial approval required when, 40-1-202, 40-1-213
    medical certificates, requirements for, 40-1-203
    nonresident requirements, 40-1-201
    violation and penalty, 40-1-208
  registration, 40-1-321, 50-15-301
  solemnization
    declaration of marriage without, procedures, 40-1-311
    proof when record nonexistent, filing of declaration of marriage for, 40-1-324
Masters
  order of reference, to furnish to master, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
  report, duties, Title 25, chapter 20, M.R.Civ.P., Rule 53(e)
Mausoleum-columbarium authorities, annual report filed with, 35-21-612
Membership in associations, 7-5-2143
Mineral trusts
  preexisting trusts, deposit with, 82-1-305
  trustee, as, 82-1-302
Mining rights-of-way
  appeal, notice filed with, 82-2-209
  complaint, filing with, 82-2-204
  damages, payment to, 82-2-208
Minors
  abuse, neglect, and dependency petitions — procedure respecting, 41-3-405
  custody, See **Child custody**
  support, See **Support, administrative enforcement**; **Support, reciprocal enforcement**
Minute book of the court's proceedings, keeping, 3-5-311, 3-5-501
Money in lieu of undertaking, deposit with, 25-1-401
Motor vehicle financial responsibility
  appeals, notices and record of proceedings, 61-6-106
  judgments, certified copies forwarded when, 61-6-121
Name changes, report to legislative council, 27-31-205
Naturalization
  fees, collection, 3-5-515
  recordkeeping, 3-5-514
New counties, transfer of files and actions, Title 7, chapter 2, parts 22 and 24
New trial, decision on motion to be filed with, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
Notices, issuance by, 3-5-501
Oaths, power to administer, 1-6-101, 25-1-201
Orders
  entry, 3-5-501
  notice of entry, Title 25, chapter 20, M.R.Civ.P., Rule 77(d)
Outfitters and guides, appeals by — notice filed when, 87-4-143
Partition, See **Real property**
Paternity proceedings
  notice of intent to claim paternity, forms for, 40-6-126
  support payments administered by, when, 40-6-117
Physicians, nurses, and hospitals — filing of lien of, 71-3-1116

CLERK OF THE DISTRICT COURT (Continued)

Postconviction hearings, petition filed with, 46-21-103
Powers and duties generally, Title 3, chapter 5, part 5
Preliminary examination, transcript to, 46-10-204
Probate matters, records to be kept by, 3-5-513
Process, issuance by, 3-5-501; Title 25, chapter 20, M.R.Civ.P., Rule 77(c)
Public Service Commission, subpoena of witnesses, 69-3-327
Quiet title, See **Real property**
Quo warranto proceedings
    jury box to supreme court clerk, 27-28-207
    summons, service by publication, 27-28-203
    undertaking, filing with, 27-28-301
Real property
    homestead executions on petition, filing of petition, 70-32-204
    judgments when change of venue, transmittal, 25-2-206
    partition
        lienholders as parties, search, 70-29-107
        sale
            report of referee, filing with, 70-29-309
            security agreements, filing with, 70-29-308
            security in name of, 70-29-306, 70-29-307, 70-29-330
            tenant for life or years, filing of instrument in lieu of compensation, 70-29-326
        undertaking of guardian ad litem, filing with, 70-29-102
    quiet title
        depositions, notice filed with, 70-28-211
        judgment, transmittal, 70-28-103
        summons, order for publication filed with, 70-28-208
    sale under order of court, filing of return of sale, 70-21-206
Receivers, consent to appointment filed with, 27-20-202
Records of the court, keeping
    generally, Title 3, chapter 5, part 5
    indexes to records, 3-5-501 — 3-5-503, 3-5-506, 3-5-513, See also **Indexes to be kept by**
    support orders, foreign registry, 40-5-138
Redemption, certification of papers for, 25-13-807
Referees, oath filed with, 25-7-701
Registers of actions, 3-5-501, 3-5-504, 3-5-505
Replevin, filings with, 27-17-302
Reporters, court
    oath filed with, 3-5-601
    transcript of proceedings, filing with clerk, 3-5-603
Safety orders, rules, and decisions of Division of Workers' Compensation — filing notice of appeal, 50-71-334
Salary
    generally, See **COUNTY OFFICERS, Salaries**
    justices of the peace, salary basis, 3-10-207
    withholding, 3-5-512, 3-15-204
Sales finance companies, subpoena of witnesses and production of evidence, 31-1-211
Savings banks, See **Banks and trust companies**
Seal of the court, duties, 3-1-203, 3-1-204, 25-1-201
Search warrant, filing with, 46-5-204
Sentences, review
    application, duties, 46-18-903
    appointments to review division, notice to, 46-18-901
    decision to, 46-18-905
    notice to offender of rights, 46-18-903
Sentencing data, transmittal to supreme court, 46-18-604
Service of papers not process, duties, 25-3-402; Title 25, chapter 20, M.R.Civ.P., Rules 5(b), 5(d), 5(e)
Service of process, duties, 25-3-201, 25-3-301; Title 25, chapter 20, M.R.Civ.P., Rules 4C, 4D
    return, failure to file with, Title 25, chapter 20, M.R.Civ.P., Rule 41(e)
Session laws, copies to, 5-11-203
Small claims court, district court — district clerk to be clerk of, 3-12-103, See **SMALL CLAIMS COURT — DISTRICT COURT**

CLERK OF THE DISTRICT COURT (Continued)

Small claims court, justice's court — appeal, record on appeal filed with, 25-35-804
Subpoenas, issuance by, 37-3-327; Title 25, chapter 20, M.R.Civ.P., Rule 45(a)
  criminal proceedings, 46-15-101
Support, administrative enforcement — notice concerning public assistance, 40-5-205
Support payments, trustee for — when, 40-4-206, 40-6-117
Support, reciprocal enforcement
  docket of case, 40-5-119, 40-5-140
  documents from initiating court forwarded when, 40-5-120, 40-5-134
  foreign orders, registry and duties, 40-5-138, 40-5-140
  information agency, documents deposited by, 40-5-118
  initiating court
    documents from, forwarded when, 40-5-120, 40-5-134
    notification when, 40-5-120
    payments, receipt and disbursement, 40-5-130
  intrastate procedure, 40-5-134
  notification
    county attorney when, 40-5-119, 40-5-134, 40-5-140
    initiating court, 40-5-120
  payments made to, 40-5-125, 40-5-127
    receipt and disbursement of, 40-5-130
    transmittal and statement of, 40-5-129
  responding court
    obligor, payment and report by, 40-5-127
    payments
      made to, 40-5-125
      transmittal and statement of payments, 40-5-129
Taxation
  appeals, notice of appeal filed with, 15-1-303
  assessment of property in possession of, 15-8-504
  tax deed action, lis pendens filed with, 15-18-303
  tax-exempt property, warrant upon delinquent privilege tax filed with, 15-24-1206
Terms of court, order fixing to be filed with, 3-5-401
Toys and children's articles, filing and transmittal of petition for review of determination as hazardous, 50-30-220
Transcripts of judicial proceedings, filing with, 3-5-603
Trust companies, See **Banks and trust companies**
Unfair trade practices
  complaint, mailing of copies, 30-14-133
  hearing transcripts, filing with, 30-14-220
  judgment, mailing of copies, 30-14-133
  voluntary compliance, filing of assurance with, 30-14-112
Venue, change, See **Change of venue**
Verdict in civil actions, duties, 25-7-501
Weapons, application for permit to carry to be filed with, 45-8-319
Witnesses
  certificates
    compensation of witnesses, 3-5-510
    procedure for issuing, 3-5-511
    required to keep, 3-5-510
    statement to county commissioners, 3-5-512
  criminal proceedings
    list filed with, 46-15-301
    prepayment of expenses, 46-15-104
Writs, issuance by, Title 25, chapter 20, M.R.Civ.P., Rule 70

CLINICS

Medicaid, See **PUBLIC ASSISTANCE**
Mental health, See **MENTALLY ILL PERSONS, Mental health centers**
Payment for services, medicaid, See **PUBLIC ASSISTANCE**

CLOSE PURSUIT, UNIFORM ACT ON, 46-6-411
    See **ARREST**, **Close pursuit**

CLOUDS ON TITLE
    See **QUIETING TITLE**; **REAL PROPERTY**, **Lis pendens**

CLOVER
    See **AGRICULTURAL SEEDS**, generally

COAL
    See also **MINES AND MINING**, generally

Abandonment of mine
    final survey, 50-73-208
    map, updating, 50-73-208
    notice, 50-73-306
    reopening, notice, 50-73-306
    survey, final, 50-73-208
Accidents, See **Safety in mines**
Agricultural lands, mining on, 82-4-232
Airways, 50-73-304, 50-73-305, See also **Safety in mines**
Bills, See **Invoices**
Black lung disease, See **OCCUPATIONAL DISEASE**; **SILICOSIS**
Boards, See significant word in this main category
Boundaries — workings near, rules, 50-73-210
Carriers, unlawful confiscation by, 69-11-108
Citation of coal mining code, 50-73-101
Coal Board
    allocation, 2-15-1821
    chairman, 90-6-204
    compensation, 90-6-204
    composition, 2-15-1821
    defined, 90-6-203
    employees, 90-6-204
    impact grants
        application forms, prescription, 90-6-208
        award authority, 90-6-205 — 90-6-207
        limitations on commitment, 90-6-209
    local impact and education trust fund account, order for disbursements, 90-6-202
    meetings, 90-6-204
    offices, 90-6-204
    powers generally, 90-6-205
    rulemaking authority, 90-6-205
Coal Mining Code, Title 50, chapter 73, See **Safety in mines**
Commerce, Department of
    coal board, provision of facilities, 90-6-204
    impact areas, designation, 90-6-207
    invoices, enforcement authority, 82-3-203, 82-3-204
Condemnation for mining, See **EMINENT DOMAIN**
Conservation, See also **MINES AND MINING**, **Strip and underground mining, coal and uranium — operation**
    administrative authority, 82-4-202
    definitions, 82-4-203
    plan
        compliance with, 82-4-231
        defined, 82-4-203
        required, 82-4-202, 82-4-222
        review, 82-4-227
    policy of state, 82-4-102

COAL (Continued)

Conservation (Continued)
  purpose of provisions, 82-3-102, 82-4-102
  waste, prevention policy, 82-4-202
Core samples
  permit application, results furnished with, 82-4-222
  reclamation requirements, 82-4-222
Danger signals, 50-73-305, See also **Safety in mines**
Death in, See **Safety in mines**
Development areas, See **Impact areas**
Development, policy of state, 82-4-202
Education trust fund, See **Local impact and education trust fund account**
Eminent domain, See **EMINENT DOMAIN**
Employees' organizations, See **COLLECTIVE BARGAINING**
Exchange programs, eligibility, 82-4-227
Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Fire, See also **Safety in mines**
  hazard prevention, 82-4-231
  taking into underground mine, 50-73-305
Firedamp in mines, 50-73-305, 50-73-306, See also **Safety in mines**
Gasification facilities, siting, Title 75, chapter 20, See **FACILITY SITING**
Gas in mine, 50-73-102, 50-73-305, See also **Safety in mines**
Grants to impact areas, See **Impact areas**
Gross proceeds tax, See **TAXATION**
Health information, 50-73-402, See **Safety in mines**
Highways to development and impact areas, See **Impact areas**
Hoisting engines, restrictions on use, 50-73-302, 50-73-305, 50-73-306, See also **Safety in mines**
Impact areas
  coal area highway improvement account, 15-35-108, 90-6-202
  designation, 90-6-207
  funding, 15-35-108, 90-6-202, 90-6-207, 90-6-211
  grants to
    application, 90-6-208
    authority, 90-6-205
    basis for award, 90-6-206
    coal board, authority, See **Coal Board**
    limitations, 90-6-209
    priorities, 90-6-206
  highway construction, 15-35-108, 90-6-201, 90-6-202, 90-6-210
  highway improvement account, 15-35-108, 90-6-202
  legislative intent, 90-6-201
  local impact and education trust fund account, See **Local impact and education trust fund account**
  priorities, 90-6-207
  purpose, 90-6-201
  schools, funding, 15-35-108, 90-6-201, 90-6-202, 90-6-211
Indemnification for damage to environment, See **TAXATION**, **Resource indemnity trust tax**
Injuries, See **Safety in mines**
Inspections of mines, See **Safety in mines**
Investigations of mines, See **Safety in mines**
Internal combustion engines prohibited underground, 50-73-303, See also **Safety in mines**
Invoices
  contents, requirements, 15-58-123, 82-3-201, 82-3-202
  copies, 82-3-203
  dealer's duties, 82-3-202
  enforcement, 82-3-203, 82-3-204
  inspection, 82-3-203
  penalties, 15-58-125, 82-3-205
  producer's duties, 82-3-201

COAL (Continued)

Invoices (Continued)
  required, 15-58-123, 82-3-201, 82-3-202
  violations, 15-58-125, 82-3-205
Land designation as unsuitable for coal mining, 82-4-228
Leases, See **MINES AND MINING; STATE LANDS, Coal leases**
License taxes, See **TAXATION, Coal**
Liens
  labor, See **LIENS, Mechanics' liens**
  taxes, See **TAXATION, Coal**, specific tax
Local impact and education trust fund account, See also **Severance tax trust fund, constitutional**
  county land planning funds, surplus to, 90-1-108
  creation, 90-6-202
  grants awarded from, 90-6-205
  interest income, disposition, 90-6-211
  principal inviolate, 90-6-211
  revenue, 15-35-108
  transfers to permanent fund, 90-6-207
  use, 90-6-207
Lung diseases, See **OCCUPATIONAL DISEASE; SILICOSIS**
Major Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Maps for safety, See **Safety in mines**
Mineral reservations in state lands, See **STATE LANDS, Coal leases; Minerals**
Miner's consumption, See **OCCUPATIONAL DISEASE; SILICOSIS**
Occupational disease, See **OCCUPATIONAL DISEASE; SILICOSIS**
Parks acquisition, capitol art, and cultural projects trust fund — revenue allocation, 15-35-108, 23-1-108
Permits
  hoisting, 50-73-302
  operation, See **MINES AND MINING, Strip and underground mining, coal and uranium — operation**
  preparatory work, See **MINES AND MINING, Location of mine site**
  siting permit, See **MINES AND MINING, Location of mine site**
Pipelines, See **PIPELINES**
Railroads, unlawful confiscation by, 69-11-108
Reclamation, See **MINES AND MINING, Location of mine site; Strip and underground mining, coal and uranium — operation**
Resource indemnity trust tax, See **TAXATION**
Retailer's license tax, See **TAXATION, Coal**
Safety in mines
  accidents, 50-73-306 — 50-73-308, 50-73-402, 50-73-410
  airways, 50-73-304, 50-73-305
  applicability of laws, 50-72-101
  cessation of work when, 50-73-408, 50-73-412, 50-73-413, 50-73-417
  citation of coal mining code, 50-73-101
  closure of mine when, 50-73-408, 50-73-412, 50-73-413, 50-73-417
  danger signals, 50-73-305
  death
    closure of mine when likely, 50-73-412, 50-73-417
    investigation, 50-73-410, 50-73-411
    miners' organizations, notice to, 50-73-308
  debarment, 50-73-305, 50-73-412, 50-73-413, 50-73-417
  definitions, 50-73-102
  employees' organizations, See **COLLECTIVE BARGAINING**
  entry prohibited when, 50-73-305, 50-73-412, 50-73-413, 50-73-417
  expeditious action required, 50-73-418
  findings by division of workers' compensation, requirements, 50-73-414
  firedamp in mines, 50-73-305, 50-73-306
  fire, taking into underground mine, 50-73-305
  gas in mine, 50-73-102, 50-73-305
  hearings, 50-73-417
  hoisting engines, restrictions, 50-73-302, 50-73-305, 50-73-306

COAL (Continued)

Safety in mines (Continued)
- injunction of violations, 50-73-104
- injuries
  - investigation, 50-73-410
  - notice to division of workers' compensation, 50-73-306
  - record, 50-73-307
- inspections and investigations
  - access to mine, 50-73-402
  - accident, when, 50-73-410
  - authorization, 50-73-402
  - employee's representative, may accompany inspector, 50-73-404
  - frequency, 50-73-406
  - injury, when, 50-73-410
  - intervals, 50-73-406
  - means for, provision, 50-73-405
  - notice, 50-73-403
  - owner's responsibility, 50-73-405
  - purpose, 50-73-402
  - refusal, 50-73-104, 50-73-105
  - statement of conditions, 50-73-409
- inspectors, 50-73-401
- internal combustion engines prohibited underground, 50-73-303
- maps
  - boundary line restrictions, 50-73-210
  - contents, 50-73-201
  - copies to division of workers' compensation, 50-73-205, 50-73-206
  - failure to provide map or survey, 50-73-209
  - final surveys, 50-73-208
  - required, 50-73-201
  - scale, 50-73-201
  - seam markings, 50-73-204
  - surface markings, 50-73-202
  - underground markings, 50-73-203
  - updating
    - annual surveys, 50-73-207
    - failure to update, 50-73-209
    - final surveys, 50-73-208
    - order by division of workers' compensation, 50-73-208
    - semiannual surveys, 50-73-206
- noncompliance, remedies, 50-73-412, 50-73-413, 50-73-417
- notices
  - abandonment, 50-73-306
  - accidents, 50-73-306, 50-73-410
  - amendment, 50-73-415
  - cancellation, 50-73-415
  - death, 50-73-410
  - escape outlet, accidental closing, 50-73-306
  - firedamp, appearance, 50-73-306
  - gas, accumulation, 50-73-306
  - inspection, 50-73-403, 50-73-409
  - issuance, 50-73-414
  - shaft, slope, or drift — work on, 50-73-306
  - signing, 50-73-414
  - statement of conditions, 50-73-409
  - violations, of, 50-73-407, 50-73-413
  - water, accumulation, 50-73-306
  - writing required, 50-73-414
- obstruction of division of workers' compensation, 50-73-104, 50-73-105
- orders
  - amendment, 50-73-415
  - cancellation, 50-73-415
  - contents, 50-73-414

COAL (Continued)

Safety in mines (Continued)
  orders (Continued)
    hearings, 50-73-417
    issuance, 50-73-414
    review, 50-73-416
    signing, 50-73-414
    when, 50-73-104
    writing required, 50-73-414
  production reports, 50-73-301
  reports
    production reports, 50-73-301
    refusal to make, 50-73-104, 50-73-105
  rulemaking authority, 50-73-103
    boundary of coal rights, workings near, 50-73-210
    fire, taking into underground mine, 50-73-305
    gassy mines, 50-73-102
    hoisting, 50-73-302
  short title, 50-73-101
  statement of conditions, 50-73-409
  union authority, See **COLLECTIVE BARGAINING**
  violations
    cessation of work, 50-73-408, 50-73-412, 50-73-413
    civil relief, 50-73-104
    closure of mine, 50-73-408, 50-73-412, 50-73-413
    criminal charges, 50-73-105
    enumerated, 50-73-104, 50-73-105, 50-73-305
    injunction, 50-73-104
    inspection on complaint, 50-73-403
    notice, 50-73-407, 50-73-413
    orders, 50-73-104
    penalties, 50-73-105
  workers' compensation, division of — authority, See **Workers' Compensation, Division of**
Sales
  invoices, See **Invoices**
  license tax, See **TAXATION, Coal**, retailer's license tax
  misrepresentation, 15-58-122, 15-58-125
  records, 15-58-104
  weight provisions, 15-58-121
Severance tax, See **TAXATION**
Severance tax trust fund, constitutional, See also **Local impact and education trust fund account**
  investment, 17-5-704, 17-6-203
  revenue, 15-35-108
  subfunds, 17-5-703 — 17-5-705, 17-5-709
Silicosis, See **OCCUPATIONAL DISEASE; SILICOSIS**
State lands, in, See **STATE LANDS, Coal leases; Minerals**
Strip and Underground Mine Reclamation Act, Title 82, chapter 4, part 2, See **MINES AND MINING, Strip and underground mining, coal and uranium — operation**
Strip mining
  conservation, See **Conservation**
  defined, 82-4-103, 82-4-203
  exchange programs, eligibility, 82-4-227
  reclamation, See **MINES AND MINING, Strip and underground mining, coal and uranium — operation**
Surveys, See **Safety in mines**, maps
Taxation, See **TAXATION**
Transportation, See **PIPELINES**
Trust funds, See **Local impact and education trust fund account; Parks acquisition, capitol art, and cultural projects trust fund; Severance tax trust fund, constitutional**
Unions, See **COLLECTIVE BARGAINING**

COAL (Continued)

Unlawful acts
    invoices, violations, 82-3-205
    safety violations, 50-73-105, See also **Safety in mines**, violations
Unsuitable for coal mining, land designations, 82-4-228
Waste, See **Conservation**
Workers' Compensation, Division of — safety authority
    accidents, duties, 50-73-306, 50-73-307, 50-73-402, 50-73-410
    closure of mines when, 50-73-408, 50-73-412, 50-73-413
    expeditious action required, 50-73-418
    findings by, 50-73-414
    firedamp, notice to, 50-73-306
    fire, taking into mine — rulemaking authority, 50-73-305
    gassy mines, rulemaking authority, 50-73-102
    hearings by, 50-73-417
    hoisting restrictions, authority, 50-73-302, 50-73-306
    injunction by, 50-73-104
    injuries, duties, 50-73-306, 50-73-307, 50-73-410
    inspection duties, 50-73-402 — 50-73-404, 50-73-406, 50-73-410
    inspectors, 50-73-401
    investigations by, 50-73-402
    maps
        copies to, 50-73-205, 50-73-206
        extensions by, 50-73-207
        update, order by, 50-73-208
    noncompliance by mine, 50-73-412
    notice by, 50-73-414, 50-73-415
    notice to, 50-73-306, 50-73-410
    obstruction of division, 50-73-104, 50-73-105
    orders of division, 50-73-414 — 50-73-417
    production reports to, 50-73-301
    reports, refusal to submit to, 50-73-104, 50-73-105
    rulemaking authority, 50-73-102, 50-73-103, 50-73-210, 50-73-302, 50-73-305
Workings near boundaries, rulemaking authority, 50-73-210

COAL BOARD

See **COAL**

COAL CREEK STATE FOREST, 77-5-102

See also generally **FORESTS AND FORESTRY**, **State forests**

COAL MINING CODE, Title 50, chapter 73

See **COAL**, **Safety in mines**

COCAINE

See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**, **Dangerous drugs**

CODE COMMISSIONER

See **CODES**

CODE OF ETHICS

Definitions, 2-2-102
Ethical principles
    legislators, 2-2-112
    public officers and employees, 2-2-105

CODE OF ETHICS (Continued)

Fiduciary duty
  breach, 2-2-104, 2-2-111, 2-2-121, 2-2-125
  liability regarding, 2-2-103
Public trust, 2-2-103
Purpose, 2-2-101
Rules of conduct
  generally, 2-2-104
  legislators, 2-2-111
  local government officers and employees, 2-2-125
  state officers and employees, 2-2-121
Secretary of state, duties, 2-2-131, 2-2-132
Voluntary disclosure, 2-2-131, 2-2-132

CODE OF FAIR CAMPAIGN PRACTICES, Title 13, chapter 35, part 3

  See **ELECTIONS, Campaign practices**

CODES

Citation, 1-11-102
Code Commissioner, See also **PUBLIC OFFICERS**, generally
  duties, 1-11-204
  Montana code annotated, publication and sale, See **Montana Code Annotated**
  office created, 1-11-201
  publications distribution, exempt from state publications library distribution regulations, 22-1-218
  qualifications, 1-11-202
  reports by, 1-11-204
  supervision, 1-11-203
Defined, 1-11-101
Definitions applicable, Title 1, chapter 1, part 2, See **DEFINITIONS USED IN MONTANA CODE ANNOTATED**
Laws of Montana, official — evidence of, 1-11-103
Montana Code Annotated
  administrative rules, citations within, 2-4-305
  ancillary publications, 1-11-303, 1-11-304
  bids for publication and sale, 1-11-301
  citation, 1-11-102
  city courts, provision to, 3-11-206
  copyright and ownership, 1-11-304
  distribution, free, 1-11-301
  effect, 1-11-103
  enactment, effect, 1-11-103
  justices' courts to have edition of code, 3-10-103
  legislators and legislative committees, availability to, 5-11-209
  libraries, provision to, 1-11-301
  name, 1-11-102
  printing
    generally, 18-7-101
    preference to Montana printers, 18-7-102, 18-7-103
  publication
    specifications, 1-11-301
    supplemental material, 1-11-204, 1-11-303
  recodification, name of, 1-11-102
  sales price, 1-11-301
  statutes, local — effect on, 1-2-111
  supplements or replacements, See updates
  updates
    authority for issuance, 1-11-303
    certification and deposit, 1-11-302
    copyright, 1-11-304
    format and approval, 1-11-302

CODES (Continued)

Name, 1-11-102
Printing, See **PRINTING, Session laws, codes, and journals**
Recodification
  code commissioner, duties, 1-11-204
  name of, 1-11-102
  "recodify" defined, 1-11-101
Revised Codes of Montana, 1947
  defined, 1-11-101
  reenactment, Montana code annotated as, 1-11-103

COLLATERAL

  See **SECURED TRANSACTIONS; SECURITY**

COLLECTION AGENTS

  See **DEBTS, DEBTORS, AND CREDITORS**

COLLECTION OF WAGES ACT OF 1977, THE RECIPROCAL AGREEMENT FOR, Title 39, chapter 3, part 3

  See **WAGES, Interstate collection**

COLLECTIVE BARGAINING

  See also **LABOR AND EMPLOYMENT, Disputes**

Arbitration, procedure, See **ARBITRATION**
Coal miners
  death in mine
    investigation by, 50-73-411
    notice, 50-73-308
  inspection, representative may accompany inspector, 50-73-404
  statement of conditions, posting when, 50-73-409
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Employee life insurance, See **INSURANCE — LIFE, Group life; Groups and group requirements**
Franchise disability insurance, See **INSURANCE — DISABILITY**
Group life insurance, See **INSURANCE — LIFE, Group life; Groups and group requirements**
Insurance
  employee life or group life, See **INSURANCE — LIFE, Group life; Groups and group requirements**
  franchise disability, See **INSURANCE — DISABILITY**
  trusts, exclusion from certain property restraints, 70-1-411
Labor, Commissioner of
  agreements, copies kept when, 18-2-402
Nurses, See **NURSING AND NURSES**
Open meeting provisions, applicability, 2-3-203
Printers, state agreements applicable to bids when, 18-7-104
Public employees, See **PUBLIC EMPLOYEES, COLLECTIVE BARGAINING**
Small businesses, right to work, Title 39, chapter 33, part 1
Small claims court, union as party, 25-34-105, 25-35-505
Strikebreakers, See **LABOR AND EMPLOYMENT, Disputes**
Taxation of labor organizations, exemption, 15-31-102
Tenants' unions, 70-24-431
Trusts, exclusion from certain property restraints, 70-1-411
Wages established by
  federal statutes, applicability, 18-2-402
  fringe benefits paid as wages when, 18-2-405

COLLECTIVE BARGAINING (Continued)

Wages established by (Continued)
    public contracts, determination, 18-2-402
    "standard prevailing rate" defined, 18-2-401

COLLEGES AND UNIVERSITIES

See **COMMUNITY COLLEGE DISTRICTS**; **UNIVERSITY SYSTEM**; specific college or university; See also **BARBERING AND BARBERS, Schools and colleges**

COLUMBARIUMS

See **MAUSOLEUMS AND COLUMBARIUMS**

COMBINING AND COMBINERS

See **AGRICULTURE**; See also **GRAIN**, generally

COMMENCEMENT OF ACTION

See **CIVIL PROCEDURE**

COMMERCE

See **TRADE REGULATION AND COMPETITION**

COMMERCE, DEPARTMENT OF

See also **EXECUTIVE BRANCH**, generally

Accountants, duties, See **ACCOUNTANTS**
Advisory council for postsecondary education, See **POSTSECONDARY EDUCATIONAL INSTITUTIONS, Advisory council**
Aerial application of pesticides, requirements for applicants, 80-8-204
Aeronautics, supervision, See **AERONAUTICS**
Airports, powers and duties concerning, See **AIRPORTS AND LANDING FIELDS**
Antiquities preservation functions, 90-1-102
Architects, duties, See **ARCHITECTURE AND ARCHITECTS**
Auctions, enforcement authority, 30-11-515
Audiologists, duties, See **SPEECH PATHOLOGISTS AND AUDIOLOGISTS**
Banks and trust companies, supervision, See **BANKS AND TRUST COMPANIES**
Barbers, barbershops, and schools — duties, See **BARBERING AND BARBERS**
Boards
    administrative services for, 37-1-101, 37-1-121
    aeronautics, See **AERONAUTICS**
    architects, See **ARCHITECTURE AND ARCHITECTS**
    banking board, state, See **BANKS AND TRUST COMPANIES**
    barbers, See **BARBERING AND BARBERS**
    chiropractors, See **CHIROPRACTIC AND CHIROPRACTORS**
    clerical services for, 37-1-101, 37-1-121
    coal, See **COAL**
    compensation, 37-1-133
    complaints, investigation
        records, 37-1-135
        request for, 37-1-101, 37-1-121
    contracts, approval, 37-1-121
    cosmetology, See **COSMETOLOGY AND COSMETOLOGISTS**
    costs
        assessment, 37-1-101, 37-1-121
        fees commensurate with, establishment, 37-1-134
    county printing, See **PRINTING**

COMMERCE, DEPARTMENT OF (Continued)

Boards (Continued)
  defined, 37-1-130
  dentistry, See **DENTISTRY AND DENTISTS**
  disciplinary actions
    authority, 37-1-136
    reporting, 37-1-105
  duties generally, 37-1-131
  electrical, state, See **ELECTRICIANS, State Electrical Board**
  examinations, 37-1-101
  expenditures, approval, 37-1-121
  expenses, travel, 37-1-133
  fees commensurate with costs, establishment, 37-1-134
  forms, standardization, 37-1-104
  hard-rock mining impact board, See **MINES AND MINING**
  hearing aid dispensers, See **HEARING AID DISPENSERS**
  hearings, 37-1-101, 37-1-121, 37-1-131
  horseracing, See **HORSES AND HORSERACING**
  housing, See **HOUSING**
  injunctions, 37-1-136
  landscape architects, See **LANDSCAPE ARCHITECTURE AND ARCHITECTS**
  licensing
    departmental services, 37-1-101
    investigation and review, record access, 37-1-135
    standards and rules, 37-1-131
  medical examiners, See **ACUPUNCTURE AND ACUPUNCTURISTS; OSTEOPATHY AND OSTEOPATHS; PHYSICIANS AND SURGEONS; PODIATRY AND PODIATRISTS**
  meetings, 37-1-101
  milk control, See **DAIRIES AND DAIRY PRODUCTS**
  morticians, See **MORTICIANS AND FUNERAL DIRECTORS**
  nominees for appointments to, by public and private sector, 37-1-132
  nursing, See **NURSING AND NURSES**
  nursing home administrators, See **NURSING HOME ADMINISTRATORS**
  optometrists, See **OPTOMETRY AND OPTOMETRISTS**
  peer review, record access, 37-1-135
  personnel, authority concerning, 37-1-121
  pharmacists, See **PHARMACY AND PHARMACISTS**
  physical therapy examiners, See **PHYSICAL THERAPY AND PHYSICAL THERAPISTS**
  plumbers, See **PLUMBING AND PLUMBERS**
  professional engineers and land surveyors, See **ENGINEERS AND LAND SURVEYORS**
  psychologists, See **PSYCHOLOGY AND PSYCHOLOGISTS**
  public accountants, See **ACCOUNTANTS**
  radiologic technologists, See **RADIOLOGY AND RADIOLOGIC TECHNOLOGISTS**
  realty regulation, See **REAL ESTATE BROKERS AND SALESMEN**
  records, 37-1-101, 37-1-135
  reports, biennial, 37-1-106
  sanitarians, See **SANITARIANS**
  speech pathologists and audiologists, See **SPEECH PATHOLOGISTS AND AUDIOLOGISTS**
  state electrical, See **ELECTRICIANS**
  travel expenses, 37-1-133
  veterinarians, See **VETERINARY MEDICINE AND VETERINARIANS**
  water well contractors, See **WATER WELLS AND WATER WELL CONTRACTORS**
Building and loan associations, supervision, See **BUILDING AND LOAN ASSOCIATIONS**
Certified public accountants, duties, See **ACCOUNTANTS**
Chiropractors, duties, See **CHIROPRACTIC AND CHIROPRACTORS**
Coal Board, facilities — provision by department, 90-6-204, See also **COAL**
Coal, functions and authority relating to, See **COAL**
Complaints, investigation, 37-1-101, 37-1-121

COMMERCE, DEPARTMENT OF (Continued)

Condominiums, authority, See **CONDOMINIUMS**
Consumer loan businesses, supervision, See **CONSUMER LOAN BUSINESSES**
Consumer protection authority, See **CONSUMER PROTECTION; TRADE REGULATION AND COMPETITION**
Controlled substances, authority, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Cosmetologists, duties, See **COSMETOLOGY AND COSMETOLOGISTS**
Costs, board
  assessment, 37-1-101, 37-1-131
  fees commensurate with, establishment, 37-1-134
Creation, 2-15-1801
Credit reports, authority, See **CONSUMER PROTECTION, Investigation and reporting**
Credit unions, supervision, See **CREDIT UNIONS**
Dairies and dairy products, duties, See **DAIRIES AND DAIRY PRODUCTS**
Dentists, duties, See **DENTISTRY AND DENTISTS**
Department head, 2-15-1801
Development credit corporations
  cooperation with planning and economic development division, 32-4-201
  supervision, 32-4-306
Director
  appointment, 2-15-1801
  banking board, state — member, 2-15-1803
  banks and trust companies, duties regarding unsafe practices and removal of directors or officers, 32-1-901 — 32-1-912, 32-1-921
  department head, as, 2-15-1801
  duties generally, 37-1-121
  private investigators and patrol operators, duties concerning, See **PRIVATE INVESTIGATORS AND PATROL OPERATORS**
Disciplinary actions against licensees, report requirements, 37-1-105
Division of Planning and Economic Development, See **Planning and Economic Development, Division of**
Drugs, authority, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Duties generally, 37-1-101
Economic development, coordination, See **ECONOMIC DEVELOPMENT**
Electricians, duties, See **ELECTRICIANS**
Electrologists, duties, See **ELECTROLOGY AND ELECTROLOGISTS**
Electronic funds transfer, supervision, See **ELECTRONIC FUNDS TRANSFER**
Engineers, duties, See **ENGINEERS AND LAND SURVEYORS**
Examinations, administering and grading, 37-1-101
Facilities provided by, 37-1-101
Facility siting, responsibilities, See **FACILITY SITING**
Finance companies, supervision, See **CONSUMER LOAN BUSINESSES**
Forms used by boards, standardization, 37-1-104
Funeral directors, duties, See **MORTICIANS AND FUNERAL DIRECTORS**
Gasoline, authority, See **GASOLINE AND PETROLEUM PRODUCTS**
Hard-Rock Mining Impact Board, See **MINES AND MINING**
Hearing aid dispensers, duties, See **HEARING AID DISPENSERS**
Highway Safety Division, cooperative agreements for emergency medical services, 50-6-104
Home weatherization programs, authority, See **ENERGY, Weatherization programs**
Horseracing, Title 23, chapter 4, See **HORSES AND HORSERACING**
Housing, authority, See **HOUSING, Lower income, development**
Indian Affairs, State Coordinator of, See **INDIANS, State Coordinator of Indian Affairs**
Industrial development projects, advisory function to local governments, 90-5-113
Installment sales, authority, See **CREDIT TRANSACTIONS, Retail installment sales**
Investment companies, supervision, See **BANKS AND TRUST COMPANIES**
Itinerant merchants, registration with, 30-12-205
Land development tax incentives, rulemaking authority, 15-24-1304, 15-24-1317, 15-24-1318
Landscape architects, duties, See **LANDSCAPE ARCHITECTURE AND ARCHITECTS**
Land surveyors, duties, See **ENGINEERS AND LAND SURVEYORS**

COMMERCE, DEPARTMENT OF (Continued)

Licensing of professions and occupations
  disciplinary actions against licensees, reporting, 37-1-105
  duties, 37-1-101
  forms, standardization, 37-1-104
Loan companies, supervision, See **CONSUMER LOAN BUSINESSES**
Medicine, practice of — authority regarding, See **MEDICINE AND MEDICAL CARE**
Milk price control, authority, See **DAIRIES AND DAIRY PRODUCTS**
Morticians, duties, See **MORTICIANS AND FUNERAL DIRECTORS**
Motor vehicle dealerships, succession to — authority, See **MOTOR VEHICLE DEALERS**
Nursing, duties, See **NURSES AND NURSING**
Nursing home administrators, duties, See **NURSING HOME ADMINISTRATORS**
Optometrists, duties, See **OPTOMETRY AND OPTOMETRISTS**
Osteopaths, duties, See **OSTEOPATHY AND OSTEOPATHS**
Paint, labeling — duties, See **TRADE REGULATION AND COMPETITION**
Pesticides, aerial application — requirements for applicants, 80-8-204
Petroleum products, authority, See **GASOLINE AND PETROLEUM PRODUCTS**
Pharmacies and pharmacists, duties, See **PHARMACY AND PHARMACISTS**
Physical therapists, duties, See **PHYSICAL THERAPY AND PHYSICAL THERAPISTS**
Physicians, duties, See **PHYSICIANS AND SURGEONS**
Planning and Economic Development, Division of
  development credit corporations, cooperation with, 32-4-201
Planning boards, authority, See **PLANNING BOARDS**
Plumbers, duties, See **PLUMBING AND PLUMBERS**
Podiatrists, duties, See **PODIATRY AND PODIATRISTS**
Postsecondary educational institutions, administration, See **POSTSECONDARY EDUCATIONAL INSTITUTIONS**
Private investigators and patrol operators, duties, See **PRIVATE INVESTIGATORS AND PATROL OPERATORS**
Products standards and testing, authority, See **TRADE REGULATION AND COMPETITION**
Psychologists, duties, See **PSYCHOLOGY AND PSYCHOLOGISTS**
Public accountants, duties, See **ACCOUNTANTS**
Racing and racehorses, Title 23, chapter 4, See **HORSES AND HORSERACING**
Radiologic technologists, duties, See **RADIOLOGY AND RADIOLOGIC TECHNOLOGISTS**
Rail planning, administration, 60-11-101
Railroad rehabilitation bonds, duties, See **RAILROADS, Rehabilitation revenue bonds; Rolling stock revenue bonds**
Real estate brokers and salesmen, duties, See **REAL ESTATE BROKERS AND SALESMEN**
Records, 37-1-101
Reports, biennial, 37-1-106
Retail installment sales, authority, See **CREDIT TRANSACTIONS, Retail installment sales**
Sanitarians, duties, See **SANITARIANS**
Savings and loan associations, supervision, See **BUILDING AND LOAN ASSOCIATIONS**
Savings banks, supervision, See **BANKS AND TRUST COMPANIES**
Services to boards, 37-1-101
Speech pathologists, duties, See **SPEECH PATHOLOGISTS AND AUDIOLOGISTS**
Standards and testing of products, authority, See **TRADE REGULATION AND COMPETITION**
State aircraft, See **AERONAUTICS**
State airports, See **AIRPORTS AND LANDING FIELDS**
State Coordinator of Indian Affairs, See **INDIANS, State Coordinator of Indian Affairs**
Subdivisions, responsibilities, See **SUBDIVISIONS**
Survey records and monuments, uniform standards prescribed by, See **SUBDIVISIONS**
Transportation districts, urban — duties, See **TRANSPORTATION — URBAN DISTRICTS**

COMMERCE, DEPARTMENT OF (Continued)

Trust companies, supervision, See **BANKS AND TRUST COMPANIES**
Unclaimed property, identification, 70-9-314
Unfair trade practices, authority, See **TRADE REGULATION AND COMPETITION**
Unit ownership regulation, See **CONDOMINIUMS**
Veterinarians, duties, See **VETERINARY MEDICINE AND VETERINARIANS**
Water well contractors, duties, See **WATER WELLS AND WATER WELL CONTRACTORS**
Weatherization programs, See **ENERGY**
Weights, measures, and grades of products, See **TRADE REGULATION AND COMPETITION**

COMMERCIAL AIR CARRIERS

See **AERONAUTICS**, **Air carriers**, generally

COMMERCIAL BANKS

See **BANKS AND TRUST COMPANIES**, generally

COMMERCIAL CODE, Title 30, chapters 1 — 9

See **BANK DEPOSITS AND COLLECTIONS; BULK TRANSFERS; COMMERCIAL PAPER; DOCUMENTS OF TITLE; LETTERS OF CREDIT; SALES; SECURED TRANSACTIONS; SECURITIES AND SECURITIES REGULATION; UNIFORM COMMERCIAL CODE — GENERAL PROVISIONS**

COMMERCIAL FEEDS

Administration of provisions, 80-9-102
Adulterated, 80-9-204
  analysis determining, 80-9-301
  prohibited, 80-9-205
Agriculture, Department of
  administration of provisions, 80-9-102
  condemnation proceedings, 80-9-302
  cooperation with other agencies, 80-9-104
  embargo orders, 80-9-302, 80-9-303
  enforcement of provisions, 80-9-301
  entry of premises, 80-9-301
  fees, deposit, 80-9-207
  injunction applied for, when, 80-9-303
  inspections, 80-9-301
    fees, 80-9-206
  investment of funds, 80-9-207
  permits
    cancellation or refusal, 80-9-206
    filing and forms, 80-9-201
  publications by, 80-9-105
  records required by, 80-9-206
  registration duties, 80-9-201
  rules, adoption by, 80-9-103
  samples and analyses, 80-9-301
  seizure when, 80-9-302, 80-9-303
  use, directions for — requirements, 80-9-202
Analysis, See **Samples and analysis**
Condemnation when, 80-9-302
Containers, inspection, 80-9-301
Custom-mixed feed
  defined, 80-9-101
  labeling, 80-9-202

COMMERCIAL FEEDS (Continued)

Custom-mixed feed (Continued)
    registration requirement, 80-9-201
    use, directions for, 80-9-202
Definitions, 80-9-101
    adoption, 80-9-103
Disclosure of trade secrets or information, 80-9-205, 80-9-304
Disposal, 80-9-302
    prohibited when, 80-9-205, 80-9-302
Distribution
    permits, 80-9-201
        failure to obtain, 80-9-205
    prohibited when, 80-9-205
Distributors
    annual statements, 80-9-206
    defined, 80-9-101
    inspection fees, liability, 80-9-206
    permits and exemptions, 80-9-201, 80-9-206
    violations, opportunity to be heard, 80-9-303
Drugs, containing
    adulterated feed, as — when, 80-9-204
    "drug" defined, 80-9-101
    use, directions for, 80-9-202
Embargo orders, 80-9-302, 80-9-303
Enforcement of provisions
    generally, 80-9-301, 80-9-302
    rules for, 80-9-103
Exemptions from, 80-9-101
Guaranteed analysis, 80-9-202, See also **Samples and analysis**
Inspections, 80-9-301
    fees, 80-9-205, 80-9-206
Labeling, 80-9-202
    defined, 80-9-101
    inspection, 80-9-301
Manufacture
    entry of premises, 80-9-301
    inspection fees, liability, 80-9-206
    permits, 80-9-201
        failure to obtain, 80-9-205
    prohibited when, 80-9-205
Misbranded, 80-9-203
    analysis determining, 80-9-301
    prohibited, 80-9-205
Permits, See **Distribution**
Pesticides, containing, 80-9-204
Pet food
    defined, 80-9-101
    rules regarding, 80-9-103
Poisonous substances, containing, 80-9-204
Production generally, Title 80, chapter 9, part 2
Prohibitions, 80-9-205
Publications concerning, 80-9-105
Records, 80-9-206, 80-9-301
Registration, 80-9-201
    failure to register, 80-9-205
Reports, 80-9-206
Rules concerning, 80-9-103, 81-2-102
Samples and analysis, See also **Guaranteed analysis**
    chemical analyses, 80-9-301
    general provisions, 80-9-301
    "official sample" defined, 80-9-101
    results of analyses, publication, 80-9-105
Seizure when, 80-9-302, 80-9-303

COMMERCIAL FEEDS (Continued)

Specialty pet food, See **Pet food**, generally
Trade secrets, disclosure, 80-9-205, 80-9-304
Violations
  disclosure of trade secrets, 80-9-304
  generally, penalty, 80-9-303
  injunction to restrain, 80-9-303
Weed seeds, containing, 80-9-204

COMMERCIAL FERTILIZERS

Adulteration prohibited, 80-10-205
Advisory committee
  composition and term of office, 2-15-1516
  functions, 80-10-106
  meetings, 80-10-106
  programs, recommendation for, 80-10-104
Agriculture, Department of
  appeals from decisions by, 80-10-208
  assessments, collection, 80-10-104
  condemnation proceedings, 80-10-302
  embargo order, 80-10-302
  enforcement of provisions, 80-10-301 — 80-10-303
  entry of premises when, 80-10-206
  fees, payment to and disposition, 80-10-207
  guaranteed analysis, requirements, 80-10-102
  injunction applied for, when, 80-10-303
  inspections by, 80-10-206
  investment of reserve funds, 80-10-207
  judicial review of acts, orders, or rulings, 80-10-303
  labeling, standards for, 80-10-202
  licenses, duties, 80-10-202, 80-10-211
  publications by, 80-10-209
  registration, duties, 80-10-201, 80-10-211
  samples and analyses by, 80-10-206
  seizure by, 80-10-302, 80-10-303
  soil amendments, requirements, 80-10-102
  violations, notice requirements, 80-10-303
Analysis, See **Guaranteed analysis; Samples and analysis**
Assessments
  allocation, 80-10-104
  collection, 80-10-103, 80-10-104, 80-10-207
  programs funded by, 80-10-105, 80-10-106
  purpose, 80-10-103
  use, 80-10-104, 80-10-105
Condemnation, 80-10-302
Deficiencies, penalties, See **Penalties**, generally
Definitions, 80-10-101
Disposal when, 80-10-302
Distributors
  deliveries, uniformity of grade or brand, 80-10-203
  license requirements, See **Licenses for distributors**
  registration, applicability of provisions, 80-10-201
  violations, notification, 80-10-303
Educational programs, funding, See **Assessments**
Embargo order, 80-10-302
Enforcement of provisions, rules for, 80-10-301
Experimental programs, funding, See **Assessments**
Guaranteed analysis, 80-10-102, See also **Samples and analysis**
  registration applications, inclusion, 80-10-201
Inspections, 80-10-206
  fees, 80-10-207

COMMERCIAL FERTILIZERS (Continued)

Labeling
  guaranteed analysis, statement of, 80-10-102
  license applicants, copy of label provided by, 80-10-202
  registration applicants, copy of label — inclusion, 80-10-201
  requirements, 80-10-204
  soil amendments, 80-10-204
Licenses
  assessments, collection, See **Assessments**
  confidentiality, inspection, failure to file, 80-10-210
  defined, 80-10-101
  tonnage reports, 80-10-207
  violations, notification, 80-10-303
Licenses for distributors, 80-10-202
  cancellation or refusal, 80-10-211
Manufacturers
  deliveries, uniformity of grade or brand, 80-10-203
  exchanges between, 80-10-212
  registration, See **Registration**
Measuring provisions, 30-12-301
Misbranding and adulteration, prohibited, 80-10-205
Organic, tax incentives, See **TAXATION, Organic fertilizers and soil amendments**
Penalties, 80-10-208, See also **Violations**
  determination by inspection or analyses, 80-10-206
  moneys from, 80-10-207
Publications concerning, 80-10-209
Registrants
  assessments, collection, See **Assessments**
  defined, 80-10-101
  tonnage reports, 80-10-207
  violations, notification, 80-10-206, 80-10-303
Registration, 80-10-201
  cancellation or refusal, 80-10-211
Samples and analysis, See also **Guaranteed analysis**
  general provisions, 80-10-206
  official analysis, copy as evidence when, 80-10-303
  "official sample" defined, 80-10-101
  reports of analyses, publication, 80-10-209
Seizure when, 80-10-302, 80-10-303
Soil amendments
  defined, 80-10-101
  deliveries of, uniformity, 80-10-203
  fees, inspection, 80-10-207
  ingredients, requirements, 80-10-102
  labeling, 80-10-204
  licenses for distributors, See **Licenses for distributors**
  misbranded or adulteration, 80-10-205
  registration, See **Registration**
Tax incentives, See **TAXATION, Organic fertilizers and soil amendments**
Uniformity, 80-10-203
Violations, See also **Penalties**
  injunction to restrain, 80-10-303
  licensees, failure to file tonnage reports, 80-10-210
  notice requirements, 80-10-206, 80-10-303

COMMERCIAL FISHING

  See **FISH AND WILDLIFE, Commercial activities**

COMMERCIAL MUSTARD

  See **MUSTARD SEED**

COMMERCIAL PAPER
  See also **UNIFORM COMMERCIAL CODE — GENERAL PROVISIONS**
Acceleration
  notice to purchaser, 30-3-304
  option, 30-1-208
  payability, 30-3-109
  presentment, time, 30-3-503
Acceptance, See also **Presentment**
  alteration after warranty, 30-3-417
  bank's power, 32-1-437
  cancellation, 30-3-412
  check, certification as, 30-3-411
  conversion, 30-3-419
  dated, 30-3-410
  deferment, 30-3-506
  defined, 30-3-102, 30-3-410
  dishonor, See **Dishonor of instrument**
  finality, 30-3-418
  liability, drawee, 30-3-409
  notice of dishonor, See **Notice of dishonor**
  operation, 30-3-410
  payment, 30-3-413
  postponement, 30-3-506
  presentment, 30-3-504
    necessity, 30-3-501
    time, 30-3-503
  refusal, 30-3-412, 30-3-507
    dishonor, evidence, 30-3-510
    presentment excused, 30-3-511
  reservation of rights, 30-1-207
  return, refusal, 30-3-419
  set of parts, 30-3-801
  time, 30-3-503, 30-3-505, 30-3-506
  variance of draft, 30-3-412
    discharge, extent, 30-3-601
  warranties, 30-3-417
  written on draft, 30-3-410
Acceptor
  action, accrual of, 30-3-122
  alteration, warranty, 30-3-417
  liability, 30-3-413, 30-3-416
  notice of dishonor, 30-3-501
  presentment
    delay, 30-3-502
    necessity, 30-3-501
    to, 30-3-504
  signature, warranty, 30-3-417
Accommodation party
  defined, 30-3-102, 30-3-415
  extension of instrument, consent binding, 30-3-118
  guaranty, effect, 30-3-416
  liability, 30-3-415
  notice to purchaser, effect on, 30-3-304
  presumption, 30-3-416
  proof, 30-3-415
  rights, 30-3-415
"Account" defined, 30-3-102, 30-4-104
Accrual of causes of action, 30-3-122
Actions, See also **Enforcement**
  accrual of, 30-3-122
  defined, 30-1-201
  enforcement of rights and obligations by, 30-1-106

COMMERCIAL PAPER (Continued)

Actions (Continued)
    impairment of recourse or collateral, 30-3-606
    instrument, 30-3-802
        lost, destroyed, or stolen, 30-3-804
    notice, third parties, 30-3-803
    obligation, 30-3-802
    overdue instruments, 30-3-123
    recovery of instrument, 30-3-804
    waiver of claim or right, 30-1-207
Administrators, See **Estates**
Agent
    collection by, 28-10-303
    confession of judgment, acceptance or entry by as illegal term, 28-2-709
    conversion of instrument, 30-3-419
    default judgment, acceptance or entry by as illegal term, 28-2-709
    defined, 30-1-201
    description in instrument, 30-3-117
    endorsement by, 30-3-206, 30-3-405
    holder, as, 30-3-117
    notice of dishonor, 30-3-508
    restrictive endorsement, effect on negotiation, 30-3-206
    selling, warranty, 30-3-417
    service of process, acceptance as illegal term, 28-2-709
    signature by, 30-3-403, 30-3-405
Agreement, separate, 30-1-201, 30-3-105, 30-3-119
Agricultural marketing associations, as payment for stock, 35-17-302
Allonge, 30-3-202
Alteration, See also **Forgery**; **Fraud**
    acceptance, supplying date in good faith, 30-3-410
    defined, 30-3-102, 30-3-407
    discharge, extent, 30-3-601
    effect, 30-3-407
    generally, 30-3-407
    incomplete instruments, 30-3-115, 30-3-407
    material, 30-3-115, 30-3-407
    negligence contributing to, 30-3-406
    notice of claim or defense, 30-3-304
    warranty, 30-3-417
Ambiguity
    instrument, 30-3-118
    party to pay, 30-3-304
    signature, 30-3-402
Antecedent claims, 30-3-303
Antecedent obligation, consideration, 30-3-408
Antedating
    negotiability, 30-3-114
    notice to purchaser, effect on, 30-3-304
Applicability of laws
    bank deposits and collections law, 30-3-103, 30-4-102, 30-4-203
    conflict of laws, 30-1-105
    contracts, nonnegotiable, 28-2-206
    documents of title excluded, 30-3-103
    general provisions, 30-3-102
    housing revenue bonds, 90-6-117
    interest rates, 31-1-107
    investment securities excluded, 30-3-103, 30-8-102, 30-8-105
    money excluded, 30-3-103
    scope, 30-3-103, 30-3-805
    secured transactions law, 30-3-103, 30-9-102
    terminology, 30-3-104
Assignment of funds, 30-3-409
    endorsement, effect on, 30-3-202
    partial, 30-3-202

COMMERCIAL PAPER (Continued)

Associations
    payable to order, 30-3-110
    payment of instrument limited, 30-3-105
Attorney's fees
    discharge from liability, 30-3-604
    sum certain, 30-3-106
Authentication, Title 26, chapter 10, M.R.Ev., Rule 902
"Banking day" defined, 30-3-102, 30-4-104
Banks, See also specific bank
    acceptance by, 32-1-437
    authority to pay, 30-3-121
    "banking day" defined, 30-3-102, 30-4-104
    branch of bank defined, 30-1-111, 30-1-201, 30-4-106
    certified checks, option, 30-3-411
    collecting bank
        defined, 30-3-102, 30-4-105
        designation, 30-3-120
    collections, chapter subject to law on, 30-3-103, 30-4-102, See **BANK DEPOSITS AND COLLECTIONS**
    conversion, liability, 30-3-419
    defined, 30-1-201
    "depository bank" defined, 30-3-102, 30-4-105
    deposits, chapter subject to law on, 30-3-103, 30-4-102, See **BANK DEPOSITS AND COLLECTIONS**
    "intermediary bank" defined, 30-3-102, 30-4-105
    notice of dishonor, 30-3-508
    payable at, 30-3-121
    payable through, 30-3-120
    "payor bank" defined, 30-3-102, 30-4-105
    presentment, 30-3-120, 30-3-504
    restrictive endorsement, 30-3-205, 30-3-206
Bearer
    blank endorsement, 30-3-204
    defined, 30-1-201
    instrument defined, 30-3-111
    negotiability, 30-3-104
    negotiation, 30-3-202, 30-3-204
    payable to, 30-3-104, 30-3-110
Bill of exchange, See **Draft**
Bills of lading, See **DOCUMENTS OF TITLE**
Blank endorsement, 30-3-204, See also **Endorsement**
Breach of duty
    notice of litigation, 30-3-803
    notice to purchaser, 30-3-304
    remedy to improper negotiation, 30-3-207
    rescission of negotiation, 30-3-207
Broker, warranty, 30-3-417
Bulk transfer, status of holder when instrument acquired in, 30-3-302
Burden of proof, See **Evidence**
Cancellation
    discharge, 30-3-601, 30-3-605
    endorsement, 30-3-208
    title, effect, 30-3-605
Cash, payable to, 30-3-111
Cause of action, accrual, 30-3-122
Certificate of deposit
    accrual of cause of action, 30-3-122
    defined, 30-3-102, 30-3-104
    negotiability, 30-3-104
Certificate of dishonor, See **Protest**
Certification of check
    acceptance, 30-3-411

COMMERCIAL PAPER (Continued)

Certification of check (Continued)
  defined, 30-3-102, 30-3-411
  discharge, extent, 30-3-411, 30-3-601
Chain of title, endorsement, 30-3-415
Check
  acceptance, effect on, 30-2-514
  assignment of funds, 30-3-409
  certified, See **Certification of check**
  defined, 30-3-102, 30-3-104
  demand instrument, reasonable time for taking, 30-3-304
  dishonored, 30-2-403, 30-2-511, See also **Dishonor of instrument**
  negotiability, 30-3-104
  obligation, extension, 30-3-802
  payment by, 30-2-401, 30-2-511, 30-2-514
Children, See **Infancy**
Citation, 30-1-101, 30-3-101
Claims
  antecedent, taking for value, 30-3-303
  burden of establishing, 30-3-307
  holder in due course, rights, 30-3-305, 30-9-206
  holder, rights, 30-3-306
  knowledge, 30-3-603
  lost, destroyed, or stolen instruments, 30-3-804
  notice to purchaser, 30-3-304
  secured transactions, 30-9-206
  waiver, 30-1-107
  warranties, 30-3-417
Clearinghouse
  defined, 30-3-102, 30-4-104
  presentment through, 30-3-504
"Code" defined, 30-1-101
Collateral
  discharge, extent, 30-3-601
  impairment, 30-3-606
  negotiability, 30-3-112
Collecting bank
  conversion of instrument, 30-3-419
  defined, 30-3-102, 30-4-105
Collection, See also **BANK DEPOSITS AND COLLECTIONS**
  guaranteed, 30-3-416
  overdue, 30-3-123
  sum certain, 30-3-106
Complaint on promissory note
  form, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 2, 12
  justice's court, 25-31-511, 25-31-512
  signatures, admission of genuineness, 25-31-512, 30-3-307
Condition
  endorsement, effect, 30-3-202, 30-3-205, 30-3-206
  precedent, defense to nonperformance, 30-3-306
  promise or order unconditional, 30-3-104, 30-3-105
  restrictive endorsement, 30-3-202, 30-3-205, 30-3-206
Confession of judgment, 28-2-709, 30-3-112
Conflict of law, 30-1-105
Consideration
  discharge without, 30-3-605
  failure, 30-3-408
    defense of holder, 30-3-306
  generally, 30-3-408
  omission of statement, negotiability, 30-3-112
  presumption, 26-1-602
  stating, negotiability, 30-3-105

COMMERCIAL PAPER (Continued)

Consideration (Continued)
  taking for value upon performance, 30-3-303
  warranties upon receipt, 30-3-417
Construction of instrument, 30-3-118
Construction of provisions, Title 30, chapter 1
Constructive trust, negotiation, 30-3-207
Consul, protest, 30-3-509
Contracts, nonnegotiable written — transfer as, 28-2-206
Conversion of instrument, 30-3-419, 30-4-203
Corporations
  remedy to improper negotiation, 30-3-207
  rescission of negotiation, 30-3-207
  stock, not payment for, 35-1-606
Costs
  collection, sum certain, 30-3-106
  discharge from liability, 30-3-604
Currency, instrument payable in, 30-3-107
"Customer" defined, 30-3-102, 30-4-104
Damages, converted instrument, 30-3-419
Date
  acceptance, 30-3-410
  correctness presumed, 30-3-114
  negotiability, 30-3-114
  notice to purchaser, effect on, 30-3-304
Death of signer
  notice of dishonor, 30-3-508
  presentment excused, 30-3-511
  signature, effect, 30-3-307
Default judgment, acceptance as illegal term, 28-2-709
Defenses
  alteration, 30-3-407
  consideration, failure, 30-3-306, 30-3-408
  holder in due course, rights, 30-3-305, 30-9-206
  holder, rights, 30-3-306
  notice to purchaser, 30-3-304
  secured transactions, 30-9-206
  signatures admitted or established, 30-3-307
  warranties on transfer, 30-3-417
Definite time
  defined, 30-3-102, 30-3-109
  negotiability, 30-3-104
Definitions
  acceptance, 30-3-410, 30-3-411
  accommodation party, 30-3-415
  alteration, 30-3-407
  certification of check, 30-3-411
  code, 30-1-101
  definite time, 30-3-109
  dishonor, 30-3-507
  generally, 30-1-102, 30-1-201, 30-3-102, 30-3-104, 30-4-104, 30-4-105
  holder in due course, 30-3-302
  index, 30-3-102
  letter of advice, 30-3-701
  negotiation, 30-3-202
  notice of dishonor, 30-3-508
  payable on demand, 30-3-108
  presentment, 30-3-504
  protest, 30-3-509
  restrictive endorsement, 30-3-205
  signature, 30-3-401
  time, 30-1-204, 30-3-109

COMMERCIAL PAPER (Continued)

Delivery
    acceptance, operation by, 30-3-410
    blank endorsement, conversion, 30-3-204
    conversion of instrument, 30-3-419
    defined, 30-1-201
    incomplete instrument, 30-3-115
    issuance, as, 30-3-102
    negotiation by, 30-3-202, 30-3-204
    renunciation, 30-3-605
    special purpose, defense, 30-3-306
Demand instruments
    action, accrual of, 30-3-122
    defined, 30-3-108
    interest, 30-3-122
    negotiability, 30-3-104
    notice of dishonor as, 30-3-122
    "on demand" defined, 30-3-108
    taking, notice to purchaser, 30-3-304
Depository bank
    conversion of instrument, 30-3-419
    defined, 30-3-102, 30-4-105
Description of payee in instrument, effect, 30-3-117
Destruction of instrument, 30-3-804
Discharge of parties
    acceptance, variance of draft, 30-3-412, 30-3-601
    accommodation party, 30-3-415
    alteration, for, 30-3-407, 30-3-601
    cancellation
        endorsement, 30-3-208
        instrument, 30-3-601, 30-3-605
    certified check, 30-3-411, 30-3-601
    collateral, impairment, 30-3-601, 30-3-606
    determination, 30-3-601
    drafts in sets, 30-3-801
    effect, 30-3-602
    endorsement, cancellation, 30-3-208
    extent, 30-3-601
    generally, Title 30, chapter 3, part 6
    holder in due course
        effect, 30-3-602
        rights, 30-3-305
    holder, rights, 30-3-301
    impairment of collateral or recourse, 30-3-601, 30-3-606
    insolvency proceedings, 30-3-305
    manner of, 30-3-601
    notice of dishonor
        delay, 30-3-502, 30-3-601
        failure, 30-3-501
    notice to purchaser, 30-3-304
    obligation, 30-3-802
    payment, 30-3-601, 30-3-603
        tender of, 30-3-601, 30-3-604
    presentment
        delay, 30-3-502, 30-3-601
        failure, 30-3-501
    protest, delay, 30-3-502, 30-3-601
    reacquisition, 30-3-208, 30-3-601
    recourse, impairment, 30-3-601, 30-3-606
    renunciation, 30-3-601, 30-3-605
    satisfaction, 30-3-601, 30-3-603
    set of parts, 30-3-801

COMMERCIAL PAPER (Continued)

Discharge of parties (Continued)
  surety, 30-3-802
  variance of draft, acceptance, 30-3-412, 30-3-601
Disclaimer of liability
  drawer upon dishonor, 30-3-413
  endorsement, accompanying, 30-3-202
Discount, sum certain, 30-3-106
Dishonor of instrument
  acceptance, 30-3-410, 30-4-210
  action, 30-3-802
    accrual, 30-3-122
  agent's responsibility, 28-10-303
  banks, liability, 30-4-402
  certificate, See **Protest**
  defined, 30-3-102, 30-3-507
  drawer, liability, 30-3-413
  endorser, liability, 30-3-414
  evidence, 30-3-510
  notice of, See **Notice of dishonor**
  obligation, action on, 30-3-802
  presumptions, 30-3-510
  protest, See **Protest**
  record of, 30-3-510
  recourse, right of, 30-3-507
  re-presentment, 30-3-507
  tender, effect, 30-2-503
  time, 30-3-507, 30-4-210
  variance of draft as, 30-3-412
  waiver, 30-3-507
  wrongful, 30-4-402
"Documentary draft" defined, 30-3-102, 30-4-104
Documents of title, chapter inapplicable, 30-3-103, See **DOCUMENTS OF TITLE**
Draft
  acceptance, 28-10-303, 30-3-410, 30-3-412, 30-3-601
  action, accrual of, 30-3-122
  ambiguity, 30-3-118
  assignment of funds, 30-3-409
  date, See **Date**
  defined, 30-3-102, 30-3-104, 30-4-104
  dishonor, See **Dishonor of instrument**; **Notice of dishonor**
  documentary, 30-3-102, 30-4-104
  documents drawn on delivery, 30-2-514
  financing agency, purchase by, 30-2-506
  international sight draft, 30-3-701
  letter of advice, 30-3-701
  negotiability, 30-3-104, 30-3-112
  notice of dishonor, See **Notice of dishonor**
  payment, See **Payment**
  presentment, See **Presentment**
  protest, See **Protest**
  set of parts, 30-3-112, 30-3-801
  variance, 30-3-412, 30-3-601
  warranties, 30-3-417
Drawee
  liability, 30-3-409
  payable to order, 30-3-110
  presentment to, 30-3-504
Drawer, See also **Secondary parties**
  action, accrual of, 30-3-122
  alteration, warranty, 30-3-417
  letter of advice, 30-3-701
  liability, 30-3-413

COMMERCIAL PAPER (Continued)

Drawer (Continued)
- notice of dishonor, 30-3-501
- payable to order, 30-3-110
- presentment
  - delay, 30-3-502
  - necessity, 30-3-501
  - time, liability, 30-3-503
- set of parts, 30-3-801
- signature, warranty, 30-3-417

Duress
- holder in due course, taking instrument free from, 30-3-305
- negotiability under, 30-3-207
- remedy, 30-3-207

Endorsement
- accommodation party, 30-3-415
- actions, accrual of, 30-3-122
- agent, by, 30-3-405
- allonge, 30-3-202
- assignment accompanying, 30-3-202
- blank, 30-3-204
- cancellation, 30-3-208, 30-3-605
- capacity, admittance, 30-3-413
- certification, 30-3-411
- condition accompanying, 30-3-202
- contract, nonnegotiable written — applicability of laws, 28-2-206
- conversion, 30-3-204, 30-3-419, 30-4-203
- defense of holder, 30-3-307
- disclaimer accompanying, 30-3-202
- dishonor, 30-3-413, 30-3-507
- effectiveness, 30-3-202
- forged, payment on, 30-3-419
- guaranty accompanying, 30-3-202
- imposter, by, 30-3-405
- liability, 30-3-405, 30-3-414
- limitation accompanying, 30-3-202
- manner, 30-3-202
- name wrong or misspelled, 30-3-203
- negotiability, 30-3-112
- negotiation, 30-3-201, 30-3-202
- nonnegotiable written contract, applicability of laws, 28-2-206
- notice of dishonor, 30-3-501, 30-3-511
- partial assignment, 30-3-202
- presentment
  - necessary, 30-3-501
  - reasonable time, 30-3-503
  - waiver, 30-3-511
- presumption of making, 26-1-602
- requirements, 30-3-202
- restrictive
  - conversion, liability, 30-3-419, 30-4-203
  - defined, 30-3-102, 30-3-205
  - discharge of parties, 30-3-603
  - effect, 30-3-206
  - holder's rights, 30-3-306
  - instructions, effect, 30-4-203
  - payment or satisfaction, 30-3-603
- return for lack, 30-3-411, 30-3-507
- right upon transfer, 30-3-201
- separate paper, 30-3-202
- set of parts, 30-3-801
- signature as, 30-3-402, See also **Signatures**
- special, 30-3-204

COMMERCIAL PAPER (Continued)

Endorsement (Continued)
  transfer by, 30-3-417
  waiver
    accompanying, 30-3-202
    presentment, notice of dishonor, or protest — effect, 30-3-511
  warranties, 30-3-417
  without recourse, 30-3-414
Endorsers, See also **Secondary parties**
  action, accrual of, 30-3-122
  discharge, 30-3-412, 30-3-502
  liability, 30-3-118, 30-3-414
  presentment, 30-3-502, 30-3-503
  protest, 30-3-501, 30-3-502
  secondary party, as, 30-3-102
Enforcement, See also **Actions**
  altered instrument, 30-3-407
  endorsement of transferor, right, 30-3-201
  guaranty, 30-3-416
  holder's right, 30-3-301
  incomplete instruments, 30-3-115
Estates
  acquisition of instrument from, status of holder, 30-3-302
  notice of dishonor, 30-3-508
  payable to order, 30-3-110
  payment of instrument limited, 30-3-105
  presentment, 30-3-511
Evidence
  accommodation party, 30-3-415
  authentication, Title 26, chapter 10, M.R.Ev., Rule 902
  "burden of establishing" defined, 30-1-201
  consideration, 26-1-602
  defenses, burden of proof, 30-3-307
  dishonor, 30-3-510
  due course, burden of proof, 30-3-307
  endorsement, 26-1-602
  incomplete instruments, burden of proof, 30-3-115
  presumptions, See **Presumptions**
  signatures, 30-3-307, 30-3-403
  third party documents, 30-1-202
Exchange, sum certain, 30-3-106
Excuse
  delay in presentment, protest, or notice of dishonor, 30-3-511
  notice of dishonor, 30-3-511
  presentment, 30-3-504, 30-3-507, 30-3-509, 30-3-511
  protest, 30-3-511
Execution exemption, waiver unenforceable when, 25-13-601
Executors, See **Estates**
Extension
  check, effect on surety's discharge, 30-3-802
  consent, 30-3-118
Fiduciary
  breach of duty, notice to purchaser, 30-3-304
  description in instrument, effect, 30-3-117
  negotiation, effect of notice to purchaser, 30-3-304
  restrictive endorsement, effect on negotiation, 30-3-206
Figures, controlling, 30-3-118
Filing of document, effect of notice to purchaser, 30-3-304
Finality of payment and acceptance, 30-3-418
Foreign
  currency, sum certain, 30-3-107
  drafts, protest for security, 30-3-501

COMMERCIAL PAPER (Continued)

Forgery, See also **Alteration**; **Fraud**
  conversion, 30-3-419
  endorsement, payment on, 30-3-419
  notice of claim or defense, 30-3-304
  signatures, 30-3-405
Form of instrument, 30-3-104
Fraud, See also **Alteration**; **Forgery**
  alteration, discharge for, 30-3-407, 30-3-601
  discharge, extent, 30-3-601
  endorsements, 30-3-405
  holder in due course, rights, 30-3-305
  remedy to fraudulent negotiation, 30-3-207
  rescission of negotiation, 30-3-207
  transfer, effect on, 30-3-201
Gambling with notes prohibited, 23-5-314, 23-5-417, 23-5-505
Generally, Title 30, chapter 3
Good faith
  acceptance, 30-3-418, 30-3-506
  conversion, 30-3-419
  date, supplying, 30-3-410
  defined, 30-1-201
  holder in due course, 30-3-302
  obligation, 30-1-203
  payment, 30-3-404, 30-3-406, 30-3-418
  taking instrument, 30-3-302, 30-3-404, 30-3-802
  warranties, 30-3-417
Government issuance, effect, 30-3-105
Guarantor, 30-1-201, 30-3-416
Guaranty, 30-3-202, 30-3-416, See also **Warranties on presentment and transfer**
Handwritten terms, 30-3-118
Holder
  acceptance, See **Acceptance**
  agent as, 30-3-117
  burden of proof, 30-3-307
  collateral
    disposal, 30-3-112
    impairment, 30-3-606
  consideration, 30-3-408
  date supplied by, 30-3-410
  defined, 30-1-201, 30-3-302
  discharge, 30-3-603, 30-3-605, 30-3-606
  due course, excluded as holder in, 30-3-302
  endorsement required, 30-3-202, See also **Endorsement**
  extension of instrument, 30-3-109, 30-3-118
  generally, Title 30, chapter 3, part 3
  notice of claim or defense, 30-3-304
  notice of dishonor, See **Notice of dishonor**
  overdue instruments, remedy, 30-3-123
  presentment, See **Presentment**
  public officer as, 30-3-110
  recourse
    impairment, 30-3-606
    right upon dishonor, 30-3-507
  restrictive endorsement, 30-3-206
  rights, 30-3-301, 30-3-306, 30-3-507
  set of parts, 30-3-801
  taking for value, 30-3-303
  transferee as, 30-3-201, 30-3-202
Holder in due course
  acceptance, finality, 30-3-418
  accommodation party, 30-3-415
  acquisition of instrument, 30-3-302

COMMERCIAL PAPER (Continued)

Holder in due course (Continued)
  alteration
    defense, 30-3-406, 30-3-407
    warranty, 30-3-417
  bank as, 30-4-209
  burden of establishing, 30-3-307
  defined, 30-3-102, 30-3-302
  discharge, effect, 30-3-208, 30-3-305, 30-3-602
  endorsement, See **Endorsement**
  enforcement of instruments, 30-3-407
  excluded when, 30-3-805
  filing and recording document, notice, 30-3-304
  generally, Title 30, chapter 3, part 3
  notice of claim or defense, 30-3-304
  payment, finality, 30-3-418
  remedy to improper negotiation, 30-3-207
  requirements, 30-3-302, 30-4-209
  restrictive endorsement, 30-3-206
  rights, 30-3-305
    limitation, 30-3-119, 30-9-309
  secured transactions, 30-9-206, 30-9-309
  separate agreement, effect, 30-3-119
  set of parts, 30-3-801
  taking for value, 30-3-303, 30-4-209
Housing, lower income — issues for development, See **HOUSING**, **Lower income, development**, bonds and negotiable instrument issues
Identification
  notice of dishonor, 30-3-508
  presentment, person making, 30-3-505
  protest, instrument, 30-3-509
Illegal
  holder in due course, defense, 30-3-305
  terms, 28-2-709, 30-3-106, 30-3-112
  transaction, remedies, 30-3-207
  transferee, party to illegality, 30-3-201
Impairment of recourse or collateral, 30-3-606
Imposter, endorsement, 30-3-405
Incapacity, rights of holder in due course, 30-3-305
Incompetents
  notice of dishonor, 30-3-508
  signature, effect, 30-3-307
Incomplete instruments
  acceptance, 30-3-410
  alteration, 30-3-115, 30-3-407
  completion, 30-3-115
    notice to purchaser, effect on, 30-3-304
    unauthorized, as alteration, 30-3-115, 30-3-407
  enforcement, 30-3-115, 30-3-407
  generally, 30-3-115
  liability
    acceptor, 30-3-413
    maker, 30-3-413
    unauthorized completion, 30-3-407
  notice to purchaser, 30-3-304
Indorsement, See **Endorsement**
Industrial development project revenue bonds, 90-5-103
Infancy
  holder in due course, rights, 30-3-305
  remedy to improper negotiation, 30-3-207
  rescission of negotiation, 30-3-207
Insolvency
  collection guaranteed, 30-3-416

COMMERCIAL PAPER (Continued)

Insolvency (Continued)
  defined, 30-1-201
  discharge in proceedings, rights of holder in due course, 30-3-305
  notice of dishonor, 30-3-508
  protest, foreign draft, 30-3-501
  warranties, 30-3-417
Installments, sum certain, 30-3-106
"Instrument" defined, 30-3-102
Insurance against loss or damage to, See **SURETYSHIP AND SURETIES**, generally
Interest
  actions, accrual of — effect, 30-3-122
  ambiguity, 30-3-118
  applicability to rates, 31-1-107
  default in payment, effect of notice to purchaser, 30-3-304
  discharge from liability, 30-3-604
  sum certain, 30-3-106
Intermediary bank
  conversion, liability, 30-3-419
  defined, 30-3-102, 30-4-105
International sight draft, 30-3-701
Investment securities, chapter inapplicable to, 30-3-103, 30-8-102, 30-8-105, See **SECURITIES AND SECURITIES REGULATION**
"Issue" defined, 30-3-102
"Item" defined, 30-3-102, 30-4-104
Judgment
  confession of, 28-2-709, 30-3-112
  default, 28-2-709
  overdue instrument, upon, 30-3-123
Judicial sale, status of holder when instrument acquired in, 30-3-302
Justices' courts, pleading in, 25-31-511, 25-31-512
Laws applicable, See **Applicability of laws**
Legal process, status of holder when instrument acquired in, 30-3-302
Letters of advice, 30-3-701
Letters of credit, See **LETTERS OF CREDIT**
Liability
  acceptance, 30-3-409
    drawee, 30-3-409
    variance, effect, 30-3-412
  acceptor, 30-3-413, 30-3-416
  accommodation party, 30-3-415
  agent, 30-3-403, 30-3-405
  alteration, 30-3-406, 30-3-407
  ambiguity of instrument, 30-3-118
  certified checks, 30-3-411
  conversion, 30-3-419
  destroyed instrument, 30-3-804
  discharge, See **Discharge of parties**
  drawee, 30-3-409, 30-3-419
  drawer, 30-3-413
  endorsement after maturity, 30-3-501
  endorsers, 30-3-405, 30-3-414
  generally, Title 30, chapter 3, part 4
  guarantor, 30-3-416
  imposters, endorsement, 30-3-405
  joint, 30-3-118
  lost instrument, 30-3-804
  maker, 30-3-413, 30-3-416
  negligence, 30-3-406
  order, 30-3-414
  overdue instruments, 30-3-123
  payment, tender — discharge of liability, 30-3-604
  presentment, time, 30-3-503

COMMERCIAL PAPER (Continued)

Liability (Continued)
  representative who signs, 30-3-403, 30-3-405
  secondary party
    presentment, 30-3-503
    re-presentment, 30-3-507
  set of parts, 30-3-801
  several, 30-3-118
  signature
    effect, 30-3-401
    unauthorized, 30-3-404, 30-3-406
  stolen instrument, 30-3-804
  tender of payment, discharge, 30-3-604
  wrongful dishonor, 30-4-402
Limitation of endorsement, 30-3-202
Lost instrument, 30-3-804
Mail, presentment by, 30-3-504
Maker
  action against, accrual of, 30-3-122
  alteration, warranty, 30-3-417
  liability, 30-3-413, 30-3-416
  notice of dishonor, 30-3-501
  payable to order, 30-3-110
  presentment
    delay, 30-3-502
    necessity, 30-3-501
    to, 30-3-504
  signature, warranty, 30-3-417
Material alteration, See **Alteration**
Maturity
  action, accrual of, 30-3-122
  endorsement after, liability, 30-3-501
Medium of exchange, 30-3-107
"Midnight deadline" defined, 30-3-102, 30-4-104
Minors, See **Infancy**
Misrepresentation, See **Fraud**
Mistake
  name of payee, 30-3-203
  negotiability when, 30-3-207
Modification, 30-3-119
Money
  chapter inapplicable to, 30-3-103
  defined, 30-1-201
  expression, 30-12-602
  instrument payable in, 30-3-104, 30-3-107
Mortgage securing promissory note, 71-1-235
Names, See **Endorsement**; **Payee**; **Signatures**
Negligence contributing to alteration or unauthorized signature, 30-3-406
Negotiability
  agreement, separate, 30-3-105, 30-3-119
  antedating, 30-3-114
  bearer, payable to, 30-3-104, 30-3-110, 30-3-111
  coal severance tax bonds, 17-5-714
  collateral, 30-3-112
  confession of judgment, 30-3-112
  consideration, 30-3-105, 30-3-112
  currency, 30-3-107
  date, 30-3-114
  definite time, 30-3-109
  demand, 30-3-104, 30-3-108
  foreign currency, 30-3-107
  form, 30-3-104
  housing revenue bonds, 90-6-117

COMMERCIAL PAPER (Continued)

Negotiability (Continued)
- incomplete instruments, 30-3-115
- judgment, confession, 30-3-112
- modification of terms, 30-3-119
- money, payable in, 30-3-104, 30-3-107
- nomenclature, 30-3-104
- omissions not affecting, 30-3-112
- order
  - payable to, 30-3-104, 30-3-110
  - unconditional, 30-3-104, 30-3-105
- parts, 30-3-112, 30-3-801
- payable, See **Payable**
- payee
  - description, 30-3-117
  - two or more, 30-3-116
- payment, See **Payment**
- postdating, 30-3-114
- promise, unconditional, 30-3-104, 30-3-105
- satisfaction, 30-3-112
- seal, 30-3-113
- separate agreement, 30-3-105, 30-3-119
- set of parts, 30-3-112, 30-3-801
- signature, 30-3-104
- sum certain, 30-3-104, 30-3-106
- sum payable in money, 30-3-104, 30-3-107
- terms not affecting, 30-3-112
- time, 30-3-104, 30-3-108, 30-3-109
- unaffected, 30-3-112
- unconditional promise or order, 30-3-104, 30-3-105
- undated, 30-3-114
- waiver of law, 30-3-112

Negotiation
- constructive trust, declaration, 30-3-207
- defined, 30-3-102, 30-3-202
- effectiveness, 30-3-201, 30-3-207
- endorsement, 30-3-202 — 30-3-206
- generally, Title 30, chapter 3, part 2
- holder's rights, 30-3-301
- name wrong or misspelled, 30-3-203
- presentment, time, 30-3-503
- reacquisition, 30-3-208
- reissuance, 30-3-208
- rescission, 30-3-207
- set of parts, 30-3-801
- warranties, 30-3-417

Nondelivery, defense, 30-3-306

Nonnegotiable instrument, application of chapter to, 28-2-206, 30-3-104, 30-3-805

Note
- defined, 30-3-102, 30-3-104
- negotiability, 30-3-104

Notice
- acceptance, operation by, 30-3-410
- accommodation party, 30-3-415
- defined, 30-1-201
- discharge, 30-3-602
- dishonor, See **Notice of dishonor**
- effectiveness, 30-3-201, 30-3-302, 30-3-304
- purchaser, to, 30-3-201, 30-3-302, 30-3-304
- security interest, 30-9-309
- separate agreement, 30-3-119
- third party, to, 30-3-803

COMMERCIAL PAPER (Continued)

Notice of dishonor, See also **Dishonor of instrument**; **Protest**
  defined, 30-1-201, 30-3-102, 30-3-508
  delay, 30-3-502, 30-3-511, 30-3-601
  demand, as, 30-3-122
  drawer, liability, 30-3-413
  endorser, liability, 30-3-414
  evidence, 30-3-510
  excuse, 30-3-511
  generally, Title 30, chapter 3, part 5
  guaranty not necessary, 30-3-416
  manner of giving, 30-3-508
  necessity, 30-3-501
  presumptions, 30-3-510
  protest, See **Protest**
  record of, 30-3-510
  recourse, right of, 30-3-507
  sufficiency, 30-3-508
  time, 30-3-508, 30-4-210
  waiver, 30-3-511
Obligation
  bank certification of check, 30-3-411
  breach, notice to third parties, 30-3-803
  collateral to secure, 30-3-112
  consideration, 30-3-408
  effect of instrument on, 30-3-802
  endorser, 30-3-414
  good faith, 30-1-203
  negotiability, 30-3-104
  satisfaction, 30-3-112
  signature, effect, 30-3-403
  voidable, notice to purchaser, 30-3-304
Officer
  instrument payable to, 30-3-117
  signature of, 30-3-403
Omissions not affecting negotiability, 30-3-112
"On demand" defined, 30-3-102, 30-3-108
Order
  conditional, 30-3-105
  defined, 30-3-102
  foreign currency, sum certain, 30-3-107
  negotiation of instrument, 30-3-104, 30-3-202
  payable to, 30-3-104, 30-3-110, 30-3-204
  unconditional, 30-3-104, 30-3-105
Overdue instruments
  acceptance, 30-3-410
  notice to purchaser, 30-3-304
  suit for payment, 30-3-123
Partnerships
  notice of dishonor, 30-3-508
  payable to order, 30-3-110
  payment of instrument limited, 30-3-105
Payable
  bank, at, 30-3-121
  bank, through, 30-3-120
  bearer, to, 30-3-104, 30-3-110, 30-3-111
  cash, to, 30-3-111
  definite time, 30-3-104, 30-3-109
  demand, on, 30-3-104, 30-3-108
    suspension of obligation, 30-3-802
  money, in, 30-3-104, 30-3-107
  named person and description, to, 30-3-117

COMMERCIAL PAPER (Continued)

Payable (Continued)
  order, to, 30-3-104, 30-3-110, 30-3-204
  two or more persons, to, 30-3-110, 30-3-116
Payee
  description in instrument, 30-3-117
  endorsement by another person, effect, 30-3-405
  existence and capacity, admission, 30-3-413
  holder in due course, as, 30-3-302
  imposter, 30-3-405
  two or more, 30-3-110, 30-3-116
Payment
  collection guaranteed, 30-3-416
  conversion, 30-3-419
  default, notice to purchaser, 30-3-304
  deferment, 30-3-506
  demand, 30-3-108
  discharge, extent, 30-3-601, 30-3-603
  dishonor, See **Dishonor of instrument**
  endorsement forged, 30-3-419
  extension, 30-3-118
  finality, 30-3-418
  guaranteed, 30-3-416
  holder's rights, 30-3-301, 30-4-407
  made by whom, 30-3-603
  notice of dishonor, See **Notice of dishonor**
  overdue instrument, 30-3-123
  partial, presentment requirements, 30-3-505
  postponement, 30-3-506
  presentment, See **Presentment**
  refusal, 30-3-419, 30-3-507
    dishonor, evidence, 30-3-510
    presentment excused, 30-3-511
  return, refusal, 30-3-419
  set of parts, 30-3-801
  stop order, 30-4-407
  stranger to instrument, 30-3-603
  tender
    discharge, 30-3-601, 30-3-604
    effect, 30-3-604
    overdue instruments, 30-3-123
  time, 30-3-413, 30-3-506
    compliance with requirements, 30-3-505
    definite, 30-3-109
    demand, 30-3-108
    extension, 30-3-118
    negotiability of instrument, 30-3-104
    postponement, 30-3-506
  warranties, 30-3-417
Payor bank
  conversion, liability, 30-3-419
  defined, 30-3-102, 30-4-105
Personal representatives, See **Estates**
Postdating
  negotiability, 30-3-114
  notice to purchaser, 30-3-304
Presentment, See also **Acceptance**
  clearinghouse, through, 30-3-504
  collecting bank, designation, 30-3-120
  defined, 30-3-102, 30-3-504
  delay, 30-3-502, 30-3-511, 30-3-601
  dishonor, See **Dishonor of instrument**
  excuse, 30-3-504, 30-3-507, 30-3-511

COMMERCIAL PAPER (Continued)

Presentment (Continued)
  exhibition of instrument, 30-3-505
  failure, 30-3-501
  generally, Title 30, chapter 3, part 5
  guaranty not necessary, 30-3-416
  identification of presenter, 30-3-505
  invalidation, 30-3-505
  mail, by, 30-3-504
  manner of, 30-3-504, 30-4-210
  necessity, 30-3-501
  notice of dishonor, See **Notice of dishonor**
  obligation, suspension, 30-3-802
  option, 30-3-501
  partial payment, 30-3-505
  persons to whom made, 30-3-504
  place, 30-3-504
  production of instrument, 30-3-505
  reasonable time, 30-1-204, 30-3-503, 30-4-210
  receipt, 30-3-505
  re-presentment, 30-3-507
  requirements, 30-3-505, 30-4-210
  rights of parties, 30-3-505
  sufficiency, 30-3-503
  surrender of instrument, 30-3-505
  time
    compliance with requirement, 30-3-505
    determination, 30-3-503
    mail, 30-3-504
  u.s. bank, draft payable at, 30-3-504
  waiver, 30-3-511
  warranties, 30-3-417, 30-3-418
Presumptions
  accommodation party, 30-3-416
  consideration, 26-1-602
  conversion, liability, 30-3-419
  date of instrument, correctness, 30-3-114
  defined, 30-1-201
  demand on domestic check, reasonable time, 30-3-304
  dishonor, 30-3-510
  endorsement, 26-1-602
  endorsers' order of liability, 30-3-414
  notice of dishonor, 30-3-510
  ownership by transferee, 30-3-201
  presentment, reasonable time, 30-3-503
  signatures, genuineness, 30-3-307
Printed terms, 30-3-118
Process, status of holder when instrument acquired in, 30-3-302
Promise
  conditional, 30-3-105
  defined, 30-3-102
  foreign currency, sum certain, 30-3-107
  negotiation of instrument, 30-3-104
  unconditional, 30-3-104, 30-3-105
Protest
  contents, 30-3-509
  defined, 30-3-102, 30-3-509
  delay, 30-3-502, 30-3-511, 30-3-601
  dishonor, evidence of, 30-3-510
  endorser, liability, 30-3-414
  excuse, 30-3-511
  generally, Title 30, chapter 3, part 5
  guaranty not necessary, 30-3-416

COMMERCIAL PAPER (Continued)

Protest (Continued)
    manner of, 30-3-509
    necessity, 30-3-501
    notice of dishonor, See **Notice of dishonor**
    noting for protest, 30-3-509
    option, 30-3-501
    requirements, 30-3-509
    time, 30-3-509
    waiver, 30-3-511
Public office, payable to order of, 30-3-110
Purchaser, notice of claim or defense, 30-3-304
Ratification of signature, 30-3-404
Reacquisition, 30-3-208
    discharge of parties, 30-3-601
Recording of document, notice to purchaser, 30-3-304
Recourse
    accommodation party, 30-3-415
    holder upon dishonor, 30-3-507
    impairment, discharge, 30-3-601, 30-3-606
Reissuance, 30-3-208
Remedies to improper negotiation
    constructive trust, 30-3-207
    defined, 30-1-201
    liberal administration, 30-1-106
    rescission, 30-3-207
Renunciation
    discharge, 30-3-601, 30-3-605
    title, effect, 30-3-605
Representative, See **Agent**
Re-presentment, 30-3-507
Rescission of negotiation, 30-3-207
Reservation of rights, 30-1-207, 30-3-606
Restrictive endorsement, See **Endorsement**
Return of instrument
    dishonor, as, 30-3-507
    refusal, 30-3-419
Rights
    holder, 30-3-301, 30-3-306
    holder in due course, 30-3-305, 30-9-309
    reservation, 30-1-207, 30-3-606
    waiver, 30-1-107
Rules of construction
    chapter, Title 30, chapter 1
    instrument, 30-3-305
Satisfaction
    discharge, extent, 30-3-601, 30-3-603
    negotiability, 30-3-112
Scope of laws, See **Applicability of laws**
Seal
    negotiability, 30-3-113
    protest, 30-3-509
Secondary parties, See also **Drawer**; **Endorsers**
    acceptance, discharge when postponed, 30-3-506
    defined, 30-3-102
    dishonor, waiver of liability, 30-3-507
    extension of instrument, consent binding, 30-3-118
    overdue instrument, 30-3-123
    presentment, 30-3-501, 30-3-503
Securities
    payments for, notes prohibited, 35-1-606
    sale and registration, chapter inapplicable to, 30-3-103, 30-8-102, See **SECURITIES AND SECURITIES REGULATION**

COMMERCIAL PAPER (Continued)

Security interest, See also **SECURED TRANSACTIONS**
  applicability of secured transactions law, 30-3-103, 30-9-102
  defined, 30-1-201
  notice, 30-9-309
  perfection, 30-9-304, 30-9-305
  priority, 30-9-309, 30-9-312
  transfer, 30-3-201
Selling agent, warranty, 30-3-417
Separate agreement, 30-3-105, 30-3-119, 30-3-304
Service of process, acceptance by agent as illegal term, 28-2-709
Set of parts
  generally, 30-3-801
  negotiability, 30-3-112
Short title, 30-1-101, 30-3-101
Sight draft, international, 30-3-701
Signatures
  acceptance of draft not signed, 30-3-410
  accommodation party, 30-3-415
  admissibility, 30-3-307
  agent, by, 30-3-403, 30-3-405
  ambiguity, 30-3-402
  assumed name, 30-3-401
  authentication, Title 26, chapter 10, M.R.Ev., Rule 902
  authorization, 30-3-307
  burden of establishing, 30-3-307
  collection guaranteed, 30-3-416
  dated, 30-3-114
  defined, 30-3-102, 30-3-401
  effectiveness, burden of establishing, 30-3-307
  endorsement, as, 30-3-402, See also **Endorsement**
  genuineness, 25-31-512, 30-3-307; Title 26, chapter 10, M.R.Ev., Rule 902
    warranties, 30-3-417
  guaranty, words of, 30-3-416
  how made, 30-3-401
  imposters, by, 30-3-405
  incomplete instruments, 30-3-115
  liability, 30-3-401, 30-3-414
  mark in lieu of, 30-3-401
  name wrong or misspelled, 30-3-203
  negotiability, 30-3-104
  order, liability, 30-3-414
  payee, by another person in the name of, 30-3-405
  payment guaranteed, 30-3-416
  per procuration, 30-3-403
  presumptions, 30-3-307
  ratification, 30-3-404
  representative, by, 30-3-403, 30-3-405
  trade name, 30-3-401
  unauthorized, 30-3-404
    defined, 30-1-201
    negligence contributing to, 30-3-406
    warranty, 30-3-417
  warranties, 30-3-417
  word in lieu of, 30-3-401
Special endorsement, 30-3-204, See also **Endorsement**
State funds, investment in, 17-6-211
Statute of frauds, guaranty, 30-1-206, 30-3-416
Statute of limitations, 27-2-213
Statutes applicable, See **Applicability of laws**
Stolen instrument, See **Theft of instrument**
Stop order, set of parts, 30-3-801
Sum certain, 30-3-104, 30-3-106, 30-3-107

COMMERCIAL PAPER (Continued)

Surety insurance, See **SURETYSHIP AND SURETIES**, generally
Surrender of instrument, 30-3-605
Taking for value, 30-3-302, 30-3-303
  accommodation party, 30-3-415
  set of parts, 30-3-801
  signature unauthorized, 30-3-404
Tender of payment, See **Payment**
Terms not affecting negotiability, 30-3-112
Theft of instrument
  acquisition by, rights of holder, 30-3-306
  discharge of liability, 30-3-603
  recovery, 30-3-804
Third parties
  commitment to, taking for value, 30-3-303
  notice of litigation, 30-3-803
Title, warranties, 30-3-417
Transferee
  restrictive endorsement, 30-3-206
  surrender of instrument, effect, 30-3-603
Transfer of instrument
  holder's right, 30-3-301
  overdue instrument, 30-3-123
  rights vested, 30-3-201
  scope of chapter, 30-3-805
  warranties, 30-3-417, 30-11-202
  without recourse, warranty, 30-3-417
Transfer of security interest, 30-3-201
Trust
  constructive trust, negotiation, 30-3-207
  payable to order, 30-3-110
  payment of instrument limited, 30-3-105
Typewritten terms, 30-3-118
Unclaimed sums payable on, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
Undated instrument, 30-3-114
Usage of trade, time of presentment, 30-1-205, 30-3-503
U.S. consul, protest, 30-3-509
Value, taking for, See **Taking for value**
Variance of draft, acceptance, 30-3-412
Vice-consul, protest, 30-3-509
Waiver
  claim or right, 30-1-107
  dishonor, 30-3-507
  endorsement, accompanying, 30-3-202
  notice of dishonor, 30-3-511
  presentment, 30-3-511
  protest, 30-3-511
Warehouse receipts, See **DOCUMENTS OF TITLE**
Warranties on presentment and transfer, 30-3-417, 30-11-220
Words, controlling, 30-3-118
Writings affecting instrument, 30-3-119

COMMERCIAL SEINING

  See **FISH AND WILDLIFE, Commercial activities**

COMMERCIAL VEHICLES

  See generally **MOTOR CARRIERS; MOTOR VEHICLE EQUIPMENT**; See also **MOTOR VEHICLE REGISTRATION, Fleet vehicles; MOTOR VEHICLES, Gross vehicle weight fees; Size, weight, and load**

COMMINGLING OF PROPERTY
See **PERSONAL PROPERTY**, **Accessions and intermixture**

COMMISSION-CHAIRMAN GOVERNMENT
See **LOCAL GOVERNMENT**, **Commission-chairman form**

COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES
See **ELECTIONS**, **Political Practices, Commissioner of**

COMMISSIONER OF HIGHER EDUCATION
See **HIGHER EDUCATION**

COMMISSIONER OF INSURANCE
See **INSURANCE, COMMISSIONER OF**

COMMISSIONER OF MULTISTATE TAX COMPACT
See **TAXATION**, **Multistate taxes**

COMMISSIONER OF POLITICAL PRACTICES
See **ELECTIONS**, **Political Practices, Commissioner of**

COMMISSIONER OF STATE LANDS
See **STATE LANDS**

COMMISSIONERS, CONDEMNATION
See **EMINENT DOMAIN**, **Condemnation commissioners**

COMMISSIONERS OF MINING RIGHTS-OF-WAY
See **MINES AND MINING**, **Rights-of-way**

COMMISSION-EXECUTIVE GOVERNMENT
See **LOCAL GOVERNMENT**, **Commission-executive form**

COMMISSION GOVERNMENT
See **LOCAL GOVERNMENT**, **Commission form**; **MUNICIPAL COMMISSION GOVERNMENT**

COMMISSION-MANAGER GOVERNMENT
See **LOCAL GOVERNMENT**, **Commission-manager form**; **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**

COMMISSION-MAYOR GOVERNMENT
See **LOCAL GOVERNMENT**, **Commission-executive form**

COMMISSION MERCHANTS

See **SALES**

COMMISSION ON UNIFORM STATE LAWS, Title 1, chapter 12

See **LAW, Uniform State Laws, Commission on**

COMMISSIONS

See **ELECTIONS; STATE AGENCIES**

COMMITMENT

Abused or neglected children, commitment to children's center, 41-3-406
Alcoholics, See **ALCOHOL ABUSE**
Criminal proceedings, See **CRIMINAL PROCEDURE**
Delinquent youth, 41-5-403, 41-5-523; See also **YOUTH CORRECTIONAL FACILITIES**
Developmentally disabled persons, See **DEVELOPMENTALLY DISABLED PERSONS, Institutionalization**
Forms for, 2-15-501
Foster homes, to, See **FOSTER HOMES**
Institutions, Department of — youth committed to, when, 41-5-403, 41-5-511, 41-5-523
Juvenile offenders, See **YOUTH CORRECTIONAL FACILITIES**
Mentally ill persons, See **MENTALLY ILL PERSONS, Institutionalization**
School age children, to facilitate attendance, 20-5-107
Tuberculosis, persons infected by, See **DISEASES, Tuberculosis**
Youth correctional facilities, to, 41-5-106, 41-5-511, See also **YOUTH CORRECTIONAL FACILITIES**
Youth forest camps, to, See **YOUTH FOREST CAMPS**
Youthful offenders, See **YOUTH CORRECTIONAL FACILITIES**
Youth guidance homes, to, See **YOUTH GUIDANCE HOMES**
Youth in need of supervision, 41-5-403, 41-5-523

COMMON CARRIERS

See **CARRIERS**

COMMON LAW

See **LAW**

COMMON TRUST FUNDS, Title 32, chapter 1, part 7

See **BANKS AND TRUST COMPANIES**

COMMUNICABLE DISEASES

See **DISEASES**

COMMUNICATIONS

See also **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS EVIDENCE, Privileges**

Bank delay caused by interruption, 30-4-108
Charges, aiding avoidance, 45-6-307
Defamation, criminal, 45-8-212
Insurance against loss or damage to, See **INSURANCE — MARINE**, generally
Interruption
  bank delay, excuse, 30-4-108
  unlawful, 45-6-101

COMMUNICATIONS (Continued)

Law enforcement, Title 44, chapter 2, part 3, See **LAW ENFORCEMENT TELETYPEWRITER COMMUNICATIONS SYSTEM**
Lines and facilities, See generally **TELEPHONE AND TELEGRAPH; UTILITIES**
Obtaining services with intent to defraud, 45-6-305, 45-6-306
  aiding avoidance of charges, 45-6-307
  "publish" defined, 45-6-307
Peace officers, Title 44, chapter 2, part 3, See **LAW ENFORCEMENT TELETYPEWRITER COMMUNICATIONS SYSTEM**
Privacy, violation of, 45-8-213, 69-6-104
Privileged, See **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS; EVIDENCE, Privileges**
Public systems
  damage to property causing interruption unlawful, 45-6-101
  interruption or impairment unlawful, 45-6-101
State system, See **STATE GOVERNMENT, Communication systems**
Telephone, failure to yield party line, 45-8-114
Teletypewriter, Title 44, chapter 2, part 3, See **LAW ENFORCEMENT TELETYPEWRITER COMMUNICATIONS SYSTEM**
Theft of services, 45-6-305 — 45-6-307

COMMUNICATIONS, DIVISION OF

  See **ADMINISTRATION, DEPARTMENT OF**

COMMUNITY COLLEGE DISTRICTS

Administration, 20-15-225
Adult education levy, 20-15-305, 20-15-311
Adult education programs, See **SCHOOLS, Adult education**
Annexation of territory, 20-15-231
Antiquities permits, 22-3-432
Audits, 20-15-229
Baccalaureate degrees prohibited, 20-15-108
Bonds, See **Finance**; See also generally **SCHOOL FINANCE, Bond issues; Bonds**
Boundary changes, 20-15-225
Budgets, See **Finance**
Buildings, 20-15-301
Certificates, 20-15-225
Clerk of the district, 20-15-224
Conflict of laws, 20-15-402
Coordination, 20-15-103, 20-15-401
Coordinator
  appointment and duties, 20-15-103
  budget forms provided by, 20-9-134
  organization meetings, notice, 20-15-224
  organization proposals, certification, 20-15-209
Corporate powers, 20-15-102
Courses of instruction, 20-15-105
Defined, 20-15-101
Degrees, 20-15-108, 20-15-225
Devises, 20-15-109
Disbursements, 20-15-225
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Donations, 20-15-109
Elections
  expenses, 20-20-107
  generally, See **SCHOOL ELECTIONS**
Employees
  benefits, 20-15-225
  generally, 20-15-225
  retirement, 20-15-106, See also **PUBLIC EMPLOYEES' RETIREMENT SYSTEM**, generally

COMMUNITY COLLEGE DISTRICTS (Continued)

Faculty, See **Teachers**
Fair Practices, Code of, Title 49, chapter 3, See **DISCRIMINATION, Government, state and local**
Fees, 20-15-105, 20-15-311, 20-15-312
Finance, See also **Funds**
  appropriation, legislative, 20-15-310 — 20-15-312
  bonds, 20-15-301, See also generally **SCHOOL FINANCE, Bond issues; Bonds**
  budget
    operating
      calculation and approval, 20-15-312
      funding sources, 20-15-311
      proposed budget form, 20-15-309
    proposed, 20-15-309
    unrestricted, 20-15-312
      base, 20-15-310
  budget system of title 20, applicability, 20-9-101
  capital expenditures, 20-15-301
  revenue sources, 20-15-301
  tax levies, See **Levies**
Fire protection and safety regulations for college buildings, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Funds, See also **Finance**
  deposit, 20-15-308
  federal, 20-15-225, 20-15-304
  illegal use, 20-15-226
  state, 20-15-225, 20-15-304
Gifts, 20-15-109
Intrastate, interstate, and international agreements, 20-15-225
Laws, other — relationship to
  additional provisions applicable, 20-15-404
  conflicts, precedence, 20-15-402
  school district provisions, subject to — when, 20-15-403
Legacies, 20-15-109
Levies
  adult education, 20-15-305, 20-15-311
  mandatory, 20-15-311 — 20-15-313
  optional voted, 20-15-311, 20-15-313
Liability, See **TORTS, Governmental entities**
Library services, depository libraries, 22-1-214, 22-1-215
Loans, minors' capacity to make and obligations therefor, 41-1-303
Matriculation charges, 20-15-105
Mill levies, See **Levies**, generally
Minors, capacity to make loans and obligations therefor, 41-1-303
Name, 20-15-102
Organization, Title 20, chapter 15, part 2, See **SCHOOL ELECTIONS, Community college district organization**
Placement services, discriminatory practices prohibited, 49-3-202, See also **DISCRIMINATION, Government, state and local**
Policies, 20-15-103
President of college, 20-15-225
Property
  generally, 20-15-225
  lease or sale, 20-15-107
Purpose of provisions, 20-15-401
Receipts, 20-15-225
Retirement of teachers and employees, See **PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TEACHERS' RETIREMENT SYSTEM**
Students
  governance, 20-15-225
  public employees' retirement system, applicability, 19-3-403
Supervision, 20-15-103, 20-15-225
Tax levies, See **Levies**, generally

COMMUNITY COLLEGE DISTRICTS (Continued)

Teachers
    generally, 20-15-225
    retirement, 20-15-106, See also **TEACHERS' RETIREMENT SYSTEM**
Torts, See **TORTS, Governmental entities**
Treasurer, 20-15-210
Trustees, See **COMMUNITY COLLEGE DISTRICT TRUSTEES**
Tuition
    administration of provisions, 20-15-225
    rates, 20-15-105
    revenues from, 20-15-311, 20-15-312
    veterans and dependents, 10-2-311 — 10-2-314
Veterans and dependents
    reemployment, 10-2-211, 10-2-213, See also **VETERANS, Reemployment**
    tuition, 10-2-311 — 10-2-314

COMMUNITY COLLEGE DISTRICT TRUSTEES

Adult basic education funding, 20-7-712, 20-7-713
Adult education
    policies, 20-7-703
    programs, establishment, 20-7-702
    tuition and fees, 20-7-704
Annexation petitions, 20-15-231
Appointment when, 20-15-222, 20-15-223
Attorneys employed by, when, 20-1-204, 20-1-205
Budgets, See **COMMUNITY COLLEGE DISTRICTS, Finance**
Chairman, 20-15-209, 20-15-210, 20-15-224
Contracts, procedures for letting, 20-15-104
Coordination of responsibilities, 20-15-401
Death, 20-15-223
Donations, acceptance, 20-15-109
Duties generally, 20-15-225, 20-15-401, 20-15-404
Election of, See **SCHOOL ELECTIONS, Community college district trustees**
Elections ordered by, 20-20-201, See also **SCHOOL ELECTIONS**, generally
Fees prescribed by, 20-15-105
Financing responsibilities, See **COMMUNITY COLLEGE DISTRICTS, Finance**, generally
Legal adviser, 20-1-204, 20-1-205
Liability, personal, 20-15-226
Meetings
    budget, 20-9-112
    failure to attend, 20-15-228
    held when, 20-15-224
    organization, 20-15-209, 20-15-210, 20-15-224
    special, 20-15-224
Membership, notification, 20-15-209
Mileage, 20-15-224
Money, illegal use, 20-15-226
Oath of office, 20-15-210, 20-15-222
Organization meetings, See **Meetings**
Pecuniary interests unlawful, 20-15-104
Postsecondary vocational-technical centers, See also **Vocational education**
    accounts established by, 20-7-325
    designation, application for, 20-7-311
    duties generally, 20-7-312
    fund established by, 20-7-325
    program proposals and budgets, 20-7-323
    pupil fees, 20-7-333
Powers, 20-15-225, 20-15-301, 20-15-404
Provisions of Title 20 applicable to, 20-15-404
Quorum, 20-15-224
Records, 20-15-225

COMMUNITY COLLEGE DISTRICT TRUSTEES (Continued)

Removal from office, 20-15-223
  grounds for, 20-15-226, 20-15-228
  procedures, 20-15-227
Resignation, 20-15-223
Seal, 20-15-224
Secretary
  election, 20-15-210, 20-15-224
  temporary, 20-15-209
  trustees' declarations of candidacy filed with, 20-15-221
Special meetings, See **Meetings**
Suspension when, 20-15-227
Teachers' retirement system, participation, 20-15-225, See also **TEACHERS' RETIREMENT SYSTEM**
Term of office, 20-15-204, 20-15-222
Vacancies, 20-15-223
Vocational education, authority for establishment, 20-7-303, See also **Postsecondary vocational-technical centers**

COMMUNITY DEVELOPMENT

  See generally **ECONOMIC DEVELOPMENT; LAND USE PLANNING; OPEN-SPACE LANDS; PLANNING BOARDS; SUBDIVISIONS; ZONING**

COMMUNITY DEVELOPMENT ACT OF 1973, PLANNED, Title 7, chapter 2, part 47

  See **CITIES AND TOWNS, Annexation with provision of services**

COMMUNITY HOMES

  See **DEVELOPMENTALLY DISABLED PERSONS**

COMMUNITY MENTAL HEALTH CENTERS

  See **MENTALLY ILL PERSONS, Mental health centers**

COMMUTATION OF SENTENCE

  See **PROBATION, PAROLE, AND CLEMENCY, Executive clemency**

COMPACTS

  See **INTERSTATE COMPACTS**

COMPANIES

  See **ASSOCIATIONS; CORPORATIONS; PARTNERSHIPS**

COMPARATIVE NEGLIGENCE

  See **NEGLIGENCE**

COMPENSATION

  See **SALARIES; WAGES**

COMPLAINT

  See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**

COMPROMISE

See **CIVIL PROCEDURE**

COMPUTERS

Banking, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Consumer loan receipts, authorization, 32-5-304
Crime related to
  definitions, 45-2-101, 45-6-310
  statute of limitations, 45-1-205
  unlawful use, 45-6-311
  value of property, 45-2-101
Criminal justice information systems, 44-5-401 — 44-5-403, 44-5-405
State information and research system, 90-1-109
State purchases, See **STATE PURCHASING**
Unlawful use, 45-6-311, See also **Crime related to**

CONCEALED WEAPONS

See **WEAPONS**

CONCEALMENT

See **CRIMES**

CONCESSIONS

See **BLIND OR VISUALLY HANDICAPPED PERSONS**, **Vending facilities**; **VENDING AND VENDORS**

CONCILIATION

Applicability of laws, 40-3-104
Citation of Montana Conciliation Law, 40-3-101
Conferences for, 40-3-116, 40-3-124, 40-4-107
Confidentiality, 40-3-116
Counselors, appointment and duties, 40-3-124, 40-3-125
Counties where provisions applicable, determination, 40-3-104
Court, See also **COURTS**, generally
  budget for, 40-3-114
  communications, confidentiality, 40-3-116
  conferences, 40-3-116, 40-3-124, 40-4-107
  convened when, 40-3-125
  county commissioners, budget submitted to — when, 40-3-114
  expenditures, 40-3-114, 40-3-122, 40-3-125
  files closed, 40-3-116
  hearings
    privacy, 3-1-313, 40-3-116
    procedures, 40-3-124, 40-3-125
  judges, See also generally **JUDGES AND JUSTICES**; **PUBLIC OFFICERS**
    cases transferred when, 40-3-113
    disqualification, 40-3-111
    powers, 40-3-111, 40-3-124
    selection, 40-3-112, 40-3-113
  jurisdiction, 40-3-111, 40-3-127
  location, 40-3-125
  need, how determined, 40-3-104, 40-3-111
  orders by, 40-3-126
  powers, 40-3-111
  privacy of proceedings, 3-1-313, 40-3-116
  probation officers' assistance when, 40-3-115, 40-3-122

CONCILIATION (Continued)

Court, See also (Continued)
    proceedings
        confidentiality, 40-3-116
        hearings or conferences
            privacy, 3-1-313, 40-3-116
            procedures, 40-3-124, 40-3-125
    reconciliation agreement, 40-3-126
    records, 40-3-116, 40-3-124
    sessions held when, 40-3-112
Declaration of invalidity proceedings, effect on, 40-3-111, 40-3-127
Definition of terms, 40-3-103
Dissolution of marriage
    decree, effect of conciliation, 40-4-104
    laws, effect of, 40-4-107
    proceedings, effect of conciliation petition on, 40-3-111, 40-3-127
District court
    judges, determination of counties where provisions applicable, 40-3-104
    jurisdiction, 40-3-111
Duration, 40-3-127
Fees, 40-3-123
Hearings, 3-1-313, 40-3-116, 40-3-124 — 40-3-126
Jurisdiction
    conciliation court, 40-3-111, 40-3-127
    district court, 40-3-111
"May" and "shall", usage defined, 40-3-103
Need, how determined, 40-3-111, 40-3-127
Notice to respondents, 40-3-125
Orders for, 40-3-126
Petition
    filing and fees, 40-3-121, 40-3-123
    form and contents, 40-3-122
    hearings, procedures, 40-3-124, 40-3-125
Privacy of proceedings, 3-1-313, 40-3-116
Probation officers' assistance required when, 40-3-115, 40-3-122
Procedure, 40-3-124 — 40-3-126
Purpose of Montana Conciliation Law, 40-3-102
Reconciliation agreements, 40-3-126
Records, 40-3-116, 40-3-124
Respondents, attendance compelled, 40-3-125
Separate maintenance proceedings, effect on, 40-3-111, 40-3-127
"Shall" and "may", usage defined, 40-3-103
Stay of other proceedings when, 40-3-127
Waiting period, 40-3-127
Witnesses, 40-3-125

CONCILIATION LAW, Title 40, chapter 3

    See **CONCILIATION**, generally

CONCRETE MIXERS

    See **MOTOR VEHICLES, Gross vehicle weight fees; Special mobile equipment**, generally

CONDEMNATION

    See **EMINENT DOMAIN; FIRES AND FIRE PROTECTION, Hazard removal**

CONDITIONAL SALES, 1-1-205, 31-1-202

    See generally **CREDIT TRANSACTIONS, Retail installment sales; SECURED TRANSACTIONS**

CONDITIONS
  See **CONTRACTS; DEEDS AND CONVEYANCES; OBLIGATIONS; PROPERTY**

CONDOMINIUMS
  See also generally **PROPERTY; REAL PROPERTY**
Abandonment of unit does not abrogate liability, 70-23-505
Actions
  administrative rules, for compliance, 70-23-506
  bylaws, for compliance, 70-23-506
  common elements, indivisible, 70-23-405, 70-23-805
  common expenses, recovery, 70-23-608
  foreclosure, 70-23-608, 70-23-609
  injunction, 70-23-1001
  managing agent may bring, 70-23-901
  parties, 70-23-901
  partition, 70-23-405, 70-23-805
  service of process, 70-23-301, 70-23-901, 70-23-902
  violation of provisions, 70-23-1001, 70-23-1002
Administrative rules
  adoption, 70-23-308
  amendment, 70-23-308
  compliance, 70-23-506
  enforcement, 70-23-506
Agent, See **Managing agent**
Alterations of units, See also **Repair of units**
  consent, 70-23-204, 70-23-502
  limitation, 70-23-502
  refunds to purchasers, 70-23-204
Amendments to declaration, See **Declaration of submission**
Applicability of laws, 70-23-103
  execution, 70-23-702
  exemptions, 70-23-702
  landlord-tenant laws, 70-24-104
  liens and encumbrances, 70-23-604, 70-23-607, 70-23-608
  taxation, 70-23-702
Architectural plans
  alteration, 70-23-204, See also **Alteration of units**
  recording, 70-23-306
Association of unit owners
  bylaws, approval, 70-23-307
  common elements, rights, 70-23-504
  damage to property, powers, 70-23-803
  defined, 70-23-102
  lease, effect of filing with, 70-23-102
  lien on common elements by, 70-23-607, 70-23-608
  officers, 70-23-308
  parties to actions, as, 70-23-506
  service of process, change of agent, 70-23-902
Board of directors, provisions in bylaws, 70-23-308
Bylaws
  adoption, 70-23-307
  amendment, 70-23-307, 70-23-308
  contents, 70-23-308, 70-23-504
  enforcement, 70-23-506
  recording, 70-23-307
  required, 70-23-307
Changes, See **Alterations of units**
Citation of Unit Ownership Act, 70-23-101
Commerce, Department of
  examination of project accounts and records, 70-23-203
  funds received prior to completion, restrictions on disposition, 70-23-201

CONDOMINIUMS (Continued)

Commerce, Department of (Continued)
  injunction, power to bring, 70-23-1001
  inspection of project, 70-23-203
  investigations by, 70-23-1001
  notice of intention to sell to, 70-23-202
  report by department, 70-23-204, 70-23-205
  violations of provisions, 70-23-1001, 70-23-1002
Common elements
  actions on, 70-23-901
  architectural plans to indicate when recorded, 70-23-306
  bylaws to govern use, 70-23-308
  declaration, description in, 70-23-301
  deed requirements, 70-23-601, 70-23-602
  defined, 70-23-102
  improvements, 70-23-504
  indivisible, 70-23-405
  interest in, 70-23-403, 70-23-404
  liens upon, 70-23-602, 70-23-603, 70-23-607
  maintenance, 70-23-504, 70-23-606
  partition prohibited, 70-23-405, 70-23-805
  records on, 70-23-606
  repairs, 70-23-504, 70-23-606
  taxation, 70-23-701
  use, 70-23-308, 70-23-503
  waiver of use not to abrogate liability, 70-23-505
Common expenses
  action for, 70-23-608
  collection, 70-23-308
  conveyance of unit, voluntary — liability, 70-23-611
  defined, 70-23-102
  distribution, 70-23-501
  foreclosure sale, purchaser's liability, 70-23-610
  insurance premiums as, 70-23-612
  liability, 70-23-505, 70-23-610, 70-23-611
  lien for, 70-23-607, 70-23-608
Common profits, distribution, 70-23-501, 70-23-805
Construction costs, payment from funds received prior to completion, 70-23-201, 70-23-205
Contract for sale, 70-23-203, 70-23-204, 70-23-206
Conveyance
  common elements, conveyance with unit interest, 70-23-404
  common expenses, liability, 70-23-611
  deed, 70-23-506, 70-23-601
  foreclosure, See **Foreclosure**
  liens, release on first conveyance, 70-23-602
  manager, power in foreclosure sale, 70-23-609
  subject to, 70-23-401
County clerk and recorder as recording officer, 70-23-102, See **Recording officer**
Covenants
  common elements, covenant for divisibility void, 70-23-405
  enforcement, 70-23-506
Creation, See **Declaration of submission**
Criminal charges, 70-23-1002
Damage to property, effect, 70-23-803
Declaration of submission
  acknowledgment, 70-23-103
  amendment, 70-23-306, 70-23-902
  approval by department of revenue, 70-23-304
  bylaws, recording with, 70-23-307
  common elements, interest stated in, 70-23-403
  contents, 70-23-301
  defined, 70-23-102
  enforcement, 70-23-506

CONDOMINIUMS (Continued)

Declaration of submission (Continued)
  execution, 70-23-103
  final report, prerequisite, 70-23-205
  floor plans, recording with, 70-23-306
  preliminary declaration, 70-23-302
  recording, 70-23-103, 70-23-302, 70-23-305 — 70-23-307
  required, 70-23-103, 70-23-205, 70-23-302
  resubmission, 70-23-806
  service of process, designation of agent, 70-23-301, 70-23-902
Deed
  contents, 70-23-601
  enforcement of terms, 70-23-506
Definitions, 70-23-102
Directors, board of — bylaws, provisions in, 70-23-308
Emergency repairs, See **Repairs**
Encumbrance, See **Liens and encumbrances**
Enforcement of provisions, 70-23-506, 70-23-1002
Escrow, deposit of funds received prior to completion, 70-23-201, 70-23-203, 70-23-205
Examination of accounts and records of developer, 70-23-201 — 70-23-203, 70-23-206
Execution, exemptions, 70-23-702
Exemptions from execution and taxes, 70-23-702
Expenses, common, See **Common expenses**
Fees
  examination of records of developer, 70-23-202
  inspection of project, 70-23-202
  notice of intention, filing, 70-23-202
  service of process, 70-23-901
Floor plans, See **Architectural plans**
Foreclosure
  common expenses, lien for, 70-23-608
  unit, upon, 70-23-609, 70-23-610
Funds received prior to completion
  construction, use for, 70-23-201, 70-23-205
  disposition, 70-23-201
  escrow, 70-23-201, 70-23-203, 70-23-205
  refunds, 70-23-204
General common elements, See **Common elements**
Injunction brought by Department of Commerce, 70-23-1001
inspection of project, 70-23-201 — 70-23-203
Insurance of property, 70-23-612, 70-23-805
Investigation by Department of Commerce, 70-23-1001
Joint tenancy, 70-23-402
Landlord-tenant laws, exclusion, 70-24-104
Lease
  contents, 70-23-601
  foreclosure, upon, 70-23-609
  liens to be released, 70-23-602
  subject to, 70-23-401
Liens and encumbrances
  common elements, interest encumbered with unit, 70-23-404
  common expenses, lien for, 70-23-607, 70-23-608, 70-23-611
  foreclosure, 70-23-609, 70-23-610
  nonconsenting owner, 70-23-604
  property not subject to, 70-23-603
  release at first conveyance, 70-23-602
  removal from provisions, effect, 70-23-801, 70-23-804
  subject to, 70-23-401, 70-23-603
  two or more units, liens effective against, 70-23-604, 70-23-605
Limited common elements, See **Common elements**
Maintenance of property
  bylaws, provisions respecting, 70-23-308

CONDOMINIUMS (Continued)

Maintenance of property (Continued)
  liens for, 70-23-604
  records, 70-23-606
Managing agent
  actions, power to bring, 70-23-901
  bylaws, provisions respecting, 70-23-308
  common expenses, for services of, 70-23-607
  defined, 70-23-102
  foreclosure on unit, powers, 70-23-609
  liens, enforcement, 70-23-608
  maintenance by, 70-23-504
  records by, 70-23-606
  repairs by, 70-23-504
Meetings of owners, 70-23-308
Name, exclusivity, 70-23-303, 70-23-304
Noncompliance with bylaws, rules, covenants, 70-23-506
Notice of intention to sell, 70-23-201 — 70-23-203
Offenses, 70-23-1002
Officers of association owners, 70-23-308
Ownership interest
  common elements, interest in, 70-23-403 — 70-23-405
  conveyance, See **Conveyance**
  defined, 70-23-401
  exclusivity, 70-23-402
  joint tenancy, 70-23-402
  removal from provisions, effect, 70-23-804
  tenancy in common, 70-23-402, 70-23-804
Partition
  common elements, 70-23-405
  removal from provisions, upon, 70-23-805
Plans, See **Architectural plans**
Possession, 70-23-401, 70-23-402
Preliminary report by Department of Commerce, See **Reports by Department of Commerce**
Receiver, appointment in foreclosure, 70-23-609
Recording of
  bylaws, 70-23-307
  common elements, change in ownership percentage, 70-23-403
  common expenses, lien for, 70-23-607
  declaration of submission, 70-23-103, 70-23-305
  floor plans, 70-23-306
  liens, 70-23-607
  preliminary declaration, 70-23-302
  removal from provisions of chapter, 70-23-801
  title, 70-23-401
Recording officer, See also **Recording of**
  defined, 70-23-102
  service of process on, 70-23-901
Refund of purchaser's funds upon alteration of plans, 70-23-204
Removal from provisions of chapter
  all owners, by, 70-23-801
  common tenancy, 70-23-804
  damage to property, 70-23-803
  effect, 70-23-804, 70-23-805
  ninety percent of owners, by, 70-23-802
  obsolete property, 70-23-802
  partition, 70-23-805
  resubmission, 70-23-806
Repairs
  association right, 70-23-504
  emergency repairs, 70-23-504, 70-23-604
  failure, effect, 70-23-803

CONDOMINIUMS (Continued)

Repairs (Continued)
  lien for, 70-23-604
  limitation, 70-23-502
  records of, 70-23-606
Reports by Department of Commerce
  final, 70-23-203 — 70-23-206
  preliminary, 70-23-203, 70-23-204
  receipts for report, 70-23-206
  supplementary, 70-23-205, 70-23-206
Resubmission of property to provisions of chapter, 70-23-806
Revenue, Department of
  common elements, determination of value, 70-23-701
  declaration of submission
    approval, 70-23-304
    filing copy with, 70-23-305
Rules, See **Administrative rules**
Sales prior to construction, 70-23-201 — 70-23-206
Service of process, 70-23-301, 70-23-901, 70-23-902
Short title, 70-23-101
Subdivisions, created within, See **SUBDIVISIONS**
Submission, 70-23-103, See **Declaration of submission**
Taxation, See **TAXATION**
Tenancy in common, 70-23-402, 70-23-804
Title, 70-23-401, See **Ownership interest**
Transfers, See **Conveyance**
Violations of provisions generally, 70-23-1001, 70-23-1002
Withdrawal from provisions, See **Removal from provisions of chapter**

CONDUCT EVIDENCE

  See **EVIDENCE**

CONFESSION OF DEFENDANT

  See **JUDGMENTS AND DECREES**, **Confession of judgment**

CONFESSION OF JUDGMENT

  See **JUDGMENTS AND DECREES**

CONFESSIONS

  See **CRIMINAL PROCEDURE**

CONFIDENCE GAMES

Unlawful, 23-5-106

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS

  See also **EVIDENCE, Privileges; PRIVACY; PUBLIC RECORDS, Confidentiality**

Abortion records, 50-20-110
Accident reports, motor vehicle, 61-7-114
Accountants, information derived from professional services, 37-50-402
Air contaminant source owners, information concerning trade secrets — when, 75-2-105
Attorney-client privilege, 26-1-803
  youth court, 41-5-402
Audiologist-client privilege, 26-1-806
Claim of privilege, no opportunity, Title 26, chapter 10, M.R.Ev., Rule 504
Clergy, confessions to, 26-1-804

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS (Continued)

Comment on claim of privilege improper, Title 26, chapter 10, M.R.Ev., Rule 505
Compulsion, disclosure under, Title 26, chapter 10, M.R.Ev., Rule 504
Conciliation court proceedings, 40-3-116
Corporate income tax records, 15-31-507
Criminal proceedings
  discovery, 46-15-312
  grand jury, 46-11-316, 46-11-317
  indictment, 46-11-317
  investigative subpoenas, 46-4-305
  presentence investigation, 46-18-113
  psychiatric examination and treatment of defendant, 46-14-401
Deaf persons and interpreters, official proceedings, 49-4-511
Discovery, exempt from, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
  criminal proceedings, 46-15-312
Doctor-patient privilege, See **Physician-patient privilege**
Drug research participants, identification, 50-32-106
Effect of privilege, 26-1-801
Electronic funds transfer, financial institution-customer relationship, 32-6-105
Evidence, inadmissibility, See **EVIDENCE, Privileges**
Exclusions from privilege, Title 25, chapter 20, M.R.Civ.P., Rule 26(b); Title 26, chapter 10, M.R.Ev., Rule 501
Grand jury proceedings, 46-11-316, 46-11-317
Health care records
  abortion, 50-20-110
  admissibility in evidence, 50-16-303, 50-16-314
  adverse action, disclosure upon, 50-16-312, 50-16-313
  artificial insemination records, 40-6-106
  consent for release, 50-16-311
  definitions, 50-16-302
  hospital staff committee records, 50-16-203 — 50-16-205
  infant mortality and morbidity, 50-16-102
  legal process, exemption from, 50-16-314
  licensing boards, authority not limited, 50-16-303
  malpractice panel review proceedings, effect, 27-6-302, 27-6-306
  modification of information, 50-16-313
  occupational health records of board and department of health and environmental sciences, 50-70-107, 50-70-109
  prenatal serological test information, 50-19-107, 50-19-108
  privileged information, 50-16-314
  purpose of provisions, 50-16-301
  reporting obligations, effect upon, 50-6-106, 50-16-304
  state required records and reports, 50-6-106, 50-16-304
  third parties, disclosure by, 50-16-312, 50-16-313
  tumor registry, 50-15-704
  venereal disease information, 50-18-109
  violations of provisions, retaliation for disclosure of violation prohibited, 50-16-305
Hearsay testimony, effect, Title 26, chapter 10, M.R.Ev., Rule 804
Hospital records, See **Health care records**
Husband-wife privilege, See **Spousal privilege**
Income tax records, 15-30-303
Indictment, 46-11-317
Infant mortality and morbidity records, 50-16-102
Informants, identity, Title 26, chapter 10, M.R.Ev., Rule 502
Insurance
  administrators, records when, 33-17-611
  agent's appointment, information in notice of termination, 33-17-231
  guaranty association records and reports, 33-10-206, 33-10-217, 33-10-218
  information and privacy protection act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
  rates, noncompliance — notices, 33-16-205
Insurers
  examination reports, when, 33-1-412

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS (Continued)

Insurers (Continued)
  holding company systems — information regarding examinations, investigations, and registration — when, 33-2-1116
  supervision proceedings and judicial reviews, records when, 33-2-1323
Interpreters and deaf persons, official proceedings, 49-4-511
Investigative subpoenas, extent of privilege, 46-4-305
Judicial Standards Commission proceedings, 3-1-1105, See also **JUDGES AND JUSTICES, Judicial Standards Commission**, disclosure of proceedings
Malpractice review panel proceedings, 27-6-603, 27-6-703, 27-6-704
Media, privileged information
  citation of media confidentiality act, 26-1-901
  extent, 26-1-902
  voluntary testimony, 26-1-903
  waiver of privilege, 26-1-903
Medical records, See **Health care records**
Minors, See also **Youth court**
  child abuse proceedings, physician-patient or husband-wife privilege suspended in, 41-3-201, 41-3-204, 41-3-404
  medical information, 41-1-403
  teachers and observers, information gathered by, 26-1-808
  teachers and school employees, communication to, 26-1-809
  university students, 20-25-511 — 20-25-516
Motor vehicle accident reports, 61-7-114
Nuclear regulation investigations, inspections, or processes — reports concerning, 75-3-106
Nurse-patient privilege, 26-1-809
Occupational health records of Board and Department of Health and Environmental Sciences, 50-70-107, 50-70-109
Ownership rights, See **TRADE REGULATION AND COMPETITION, Invention, rights to**
Physician-patient privilege, 26-1-805, See also **Health care records**
  artificial insemination records, 40-6-106
  child abuse proceedings, suspension, 41-3-201, 41-3-204, 41-3-404
  criminal proceedings, psychiatric examination and treatment of defendant, 46-14-401
  drug research participants, identification, 50-32-106
  hospital staff committee records, applicability, 50-16-203 — 50-16-205
  malpractice review panel, before, 27-6-302, 27-6-306
  waiver, 27-6-302, 27-6-306, 50-16-314; Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
Policy of law, 26-1-801
Preliminary questions on, Title 26, chapter 10, M.R.Ev., Rule 104
Premarital examination medical certificates, statements, reports, applications, 40-1-208
Prenatal serological test results, 50-19-107, 50-19-108
Presentence investigation, identity of persons supplying information, 46-18-113
Private investigators and patrol operators, when, 37-60-402
Psychologist-client privilege, 26-1-807 — 26-1-809
Psychology teachers and observers, 26-1-808
Public officers, to, 26-1-810; Title 26, chapter 10, M.R.Ev., Rule 502
Reporters, privileged information, See **Media**
Rules of Evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
Sentencing, presentence investigation report — identity of persons supplying information, 46-18-113
Slander, with respect to, 27-1-804
Speech pathologist-client privilege, 26-1-806
Spousal privilege, 26-1-802
  child abuse proceedings, suspension, 41-3-404, 46-16-212
  criminal proceedings generally, 46-16-212
  neglect of spouse, suspension, 46-16-212
  prostitution, promoting — suspension, 45-5-604
  support, reciprocal enforcement proceedings — suspension, 40-5-123
Support, reciprocal enforcement proceedings — husband-wife privilege suspended, 40-5-123
Tax records, 15-30-303, 15-31-507

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS (Continued)

Teacher-student privilege, 26-1-808, 26-1-809
Trade secrets, See **TRADE REGULATION AND COMPETITION**
Tumor registry, 50-15-704
University students, 20-25-511 — 20-25-516
Venereal disease information, 50-18-109
Vital statistics information, 50-15-112, 50-15-113
Voluntary disclosure, Title 26, chapter 10, M.R.Ev., Rules 502, 503
Waiver of privilege, Title 26, chapter 10, M.R.Ev., Rule 503
  physician-patient privilege, 27-6-302, 27-6-306, 50-16-314; Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
  reporters, 26-1-903
Water pollution source owners, information concerning trade secrets — when, 75-5-105
Youth court, counsel-client communications, 41-5-402

CONFLICT OF INTEREST

See **CODE OF ETHICS**; specific subject

CONFLICT OF LAWS

See also **FOREIGN LAWS**

Abandoned property, 70-9-103
Agricultural marketing associations, foreign-domestic mergers, 35-17-501
Close pursuit, 46-6-411
Community college district provisions, 20-15-402
Contracts, 28-3-102, 28-11-202
Corporations, foreign-domestic mergers or share exchanges, 35-1-807, 35-2-606
Crimes, 46-3-106
  close pursuit, 46-6-411
  coroners, 46-4-101
  double jeopardy provisions, effect, 46-11-504, 46-11-505
  extradition, 46-30-204
  parole violations when interstate supervision, 46-23-1106
Custody of children, 40-7-102
Escheated property, 70-9-103
Facility Siting Act, 75-20-103
Federal aid requirements, regarding, 2-15-137
Guaranty, 28-11-202
Hazardous substances, 50-30-106
Hazardous waste provisions, 75-10-421
Health service corporations, 33-30-102
Hot pursuit, 46-6-411
In rem proceedings, 70-1-107
Instruments, interpretation of language, 1-4-106
Insurers
  holding company system provisions, 33-2-1124
  professional liability, 33-9-103
Judicial determination, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
Limited partnerships, foreign, 35-12-1301
Major Facility Siting Act, 75-20-103
Marriage contracts, 40-1-106
Mining claims, 70-19-201
Municipal zoning provisions, 76-2-309
Natural areas, concerning, 76-12-117
Parole violations when interstate supervision, 46-23-1106
Personal property, 70-1-109
  abandonment or escheat in another state, 70-9-103
Property, 70-1-107, 70-1-109
Radioactive substances, 50-30-106, 75-3-105
Real property, 70-1-107
  mining claims, 70-19-201

CONFLICT OF LAWS (Continued)

School district bonding provisions, 20-9-401
School elections, 20-20-102
Securities, 30-8-106, 30-10-409
Situs rule, 70-1-107, 70-1-109
Statutes of limitation, 27-2-104
Support, reciprocal enforcement, 40-5-108
Taxes, 15-1-601, See **TAXATION, Multistate taxes**
Unclaimed property, 70-9-103
Uniform Commercial Code, 30-1-105
  bank deposits and collections, 30-4-102
  bulk transfers, 30-6-102
  investment securities, 30-8-106
  sales, 30-2-402, 30-2-501
  secured transactions, 30-9-102, 30-9-103, 30-9-401
Vocational education, 20-7-304
Zoning provisions, municipal, 76-2-309

CONGRESS

Acts relating to authentication of laws, publication with Montana code annotated, 1-11-204
Elections, See **ELECTIONS**
Electoral districts, apportionment, Title 5, chapter 1, See **REAPPORTIONMENT COMMISSION**, generally
Judicial notice of acts of, Title 26, chapter 10, M.R.Ev., Rule 202
Vacancies, 13-25-202, 13-25-203
Vocational education, acceptance of acts for, 20-7-321

CONGRESSIONAL DISTRICTS

See **REAPPORTIONMENT COMMISSION**, generally

CONSANGUINITY

See **AFFINITY AND CONSANGUINITY**

CONSENT

Adoption, See **ADOPTION**
Blood alcohol tests, 61-8-402
Contracts, See **CONTRACTS**
Criminal acts, consent in, 45-2-211, See also **CRIMES, Consent of victim**; specific offense
Extradition, to, 46-30-228
Implied, 61-8-402
Marriage, See **MARRIAGE**
Minors, medical care, See **MINORS, Consent by minor; Medical care**
Search and seizure, 46-5-101

CONSERVANCY DISTRICTS

See **WATER CONSERVANCY DISTRICTS**

CONSERVATION

Coal, See **COAL**
Districts, See **CONSERVATION DISTRICTS**
Easements, 70-17-101, 70-17-102, See **OPEN-SPACE LANDS, Conservation easements**
Education for, See **UNIVERSITY SYSTEM**
Energy, See **EMERGENCIES AND EMERGENCY POWERS, Energy supply emergencies; ENERGY**
Environmental Policy Act, Title 75, chapter 1, See **ENVIRONMENTAL POLICY**

CONSERVATION (Continued)

Forest and conservation experiment station, See **UNIVERSITY OF MONTANA**
Forests, See **FORESTS AND FORESTRY**, generally
Gas, See **OIL AND GAS**
Grass Conservation Act, Title 76, chapter 16, See **GRAZING DISTRICTS**, generally
Grazing districts for, See **GRAZING DISTRICTS**
Home weatherization, See **ENERGY, Weatherization programs**
Lakeshore protection, See **LAKES, Shore protection**
Montana Environmental Policy Act, Title 75, chapter 1, See **ENVIRONMENTAL POLICY**
Natural gas, See **OIL AND GAS**
Natural resources, generally, See **NATURAL RESOURCES, Fire protection**
Oil and gas, See **OIL AND GAS**
Open-Space Land and Voluntary Conservation Easement Act, Title 76, chapter 6, See **OPEN-SPACE LANDS**
Open-space lands, See **OPEN-SPACE LANDS**
Rangeland, See **GRAZING DISTRICTS**, generally
Soil, See **CONSERVATION DISTRICTS**, generally
Soil survey and mapping program, See **SOIL SURVEYS**, generally
Solid waste management, See **SOLID WASTE MANAGEMENT**
Speed limit, 61-8-305, 61-8-718
Water, See **FISH AND WILDLIFE, Waters; WATER; WATER QUALITY**
Weatherization programs, See **ENERGY**
Wildlife, See **FISH AND WILDLIFE, Wildlife**, generally

CONSERVATION DISTRICTS

See also **WATER CONSERVANCY DISTRICTS**

Account, See **Funds**
Actions
  certificate of organization as evidence, 76-15-214
  power concerning, 76-15-320
  termination of district, effect, 76-15-810
Addition of territory, See **Alteration**
Adjustment, Board of
  chairman, 76-15-722
  composition, 76-15-721
  establishment, 76-15-721
  expenses, 76-15-503, 76-15-721
  hearings, 76-15-724
  meetings, 76-15-722
  members
    appointment or removal, 76-15-721
    compensation and expenses, 76-15-721
  quorum, 76-15-722
  records, 76-15-722
  rules to govern, 76-15-722
  vacancies, 76-15-721
  variances
    appeals from decisions concerning, 76-15-726, 76-15-727
    decision concerning, 76-15-725
    petition for, 76-15-723
      hearing, 76-15-724
Administration, See **Supervisors**, generally
Administrative practicability
  alteration, 76-15-803
  creation, 76-15-206, 76-15-209, 76-15-210
  discontinuance, 76-15-806, 76-15-807
Agencies of the United States
  administration of projects, 76-15-403
  cooperation and assistance, 76-15-105
  defined, 76-15-103

CONSERVATION DISTRICTS (Continued)
Agencies of the United States (Continued)
  project areas, authority, 76-15-611
  research programs, 76-15-401
Agencies of this state
  administration of projects, 76-15-403
  agreements and aid, 76-15-403
  cooperation and assistance, 76-15-105, 76-15-317
  defined, 76-15-103
  lands owned or controlled by, projects upon, 76-15-403
  research programs, 76-15-401
Alteration
  addition of territory, 76-15-802
  administrative practicability, determination, 76-15-803
  combination or division, 76-15-803
  discontinuance, See **Discontinuance**
  name change, 76-15-801, 76-15-803
Application for organization
  certificate, See **Certificate of organization**
  contents and submission, 76-15-212
  processing, 76-15-213
Assessments
  bonds payable from, 76-15-506
  certification, 76-15-518
  county officers
    application of law, 76-15-519
    liability, 76-15-520
  depository, 76-15-508, 76-15-523
  estimates, 76-15-511, 76-15-512
    division between counties, 76-15-513
  expenditures, purposes, 76-15-527
  insufficient, 76-15-505, 76-15-624
  levy, 76-15-516, 76-15-518, 76-15-623
    application of law, 76-15-519
    loan payments or retirement of warrants, inclusion, 76-15-505
  misnomers and mistakes relating to ownership, effect, 76-15-529
  principal county
    defined, 76-15-521
    payments to, when, 76-15-522
    receipt and crediting of funds, 76-15-524
  project areas, 76-15-601
    expenses, to finance, 76-15-622
    levy, 76-15-623
    limitation, 76-15-625
  rate, computation, 76-15-517
  regular, 76-15-514
    estimates, 76-15-513
    levy, 76-15-516
    maximum, 76-15-515
  special, 76-15-514
    estimates, 76-15-513, 76-15-622
    levy, 76-15-516, 76-15-623
    lien for, 76-15-528
    limitation, 76-15-625
  treasurers
    payment of district money, 76-15-525
    receipt and crediting of funds, 76-15-524
    reports, 76-15-526
    settlement by, when, 76-15-522
Board of Adjustment, See **Adjustment, Board of**
Bonds
  authority concerning, 76-15-501
  authorization, 76-15-506

CONSERVATION DISTRICTS (Continued)

Bonds (Continued)
  election, 76-15-506
  taxation, exempt from, 76-15-506
Boundaries
  ballot, set forth in, 76-15-207
  combination or division of district, 76-15-803
  definement, 76-15-204
    request for, 76-15-201
  hearings, 76-15-202
  principal county, 76-15-521
  project areas, 76-15-605
  territory included within, limitations, 76-15-216
Certificate of organization
  evidentiary status, 76-15-214
  issuance, 76-15-213
Change of name, See **Alteration**
Coal severance tax, allocation of revenue, 15-35-108
Combination of districts, See **Alteration**, combination or division
Contracts
  actions concerning, 76-15-214
  division of district, effect, 76-15-803
  power regarding, 76-15-320
  termination of district, effect, 76-15-810
Construction projects affecting streams, See **RIVERS AND STREAMS**, **Streambed protection**
Contributions, 76-15-403, 76-15-411
Cooperation between, 76-15-318
Counties, cooperation and representation, 76-15-316
County officers, See **Assessments**
Creation
  additional territory, inclusion — procedures, 76-15-203
  administrative practicability, determination, 76-15-206, 76-15-209
    criteria, 76-15-210
  application for organization, See **Application for organization**
  boundaries, See **Boundaries**
  certificate of organization, See **Certificate of organization**
  hearings, 76-15-202 — 76-15-204
    expenses, 76-15-208
  name, defects, 76-15-213
  need for, determination, 76-15-204
    criteria, 76-15-205
  notice of organization, See **Supervisors**
  petition
    consolidation when, 76-15-201
    contents, 76-15-201
    defined, 76-15-103
    denial, 76-15-204, 76-15-209
    hearing, 76-15-202, 76-15-204
    subsequent, 76-15-204, 76-15-209
  referendum, 76-15-207
    expenses and conduct, 76-15-208
    invalidation when, 76-15-208
    registration, 76-15-208
    request for, 76-15-201
    results, publication, 76-15-209
  supervisors, See **Supervisors**
Definitions, 76-15-103, 76-15-521
Discontinuance
  administrative practicability, decision regarding, 76-15-806, 76-15-807
  criteria for, 76-15-808
  entire district, 76-15-806
  petition for, 76-15-804, 76-15-806, 76-15-807

CONSERVATION DISTRICTS (Continued)

Discontinuance (Continued)
  portion of district, 76-15-807
  referendum, 76-15-805
Dissolution, See **Termination**
Division, See **Alteration**, combination or division
Donations, 76-15-403
Due notice, See **Notice, due**
Elections, See also **Referenda**
  ballots
    general election, 76-15-303
    project areas, creation, 76-15-606
  bond, 76-15-506
  conduct, 76-15-303
  electors, See **Electors, qualified**
  project areas, for, 76-15-605, 76-15-606
  supervisors, for, 76-15-302 — 76-15-304, 76-15-312
Electors, qualified
  addition of territory, requirements, 76-15-802
  administrative practicability of district, effect on determination, 76-15-210
  combination or division of district, hearings, 76-15-803
  defined, 76-15-103
  discontinuance of district
    petition for, 76-15-804
    referendum, 76-15-805
  general election, eligibility, 76-15-303
  hearings, attendance, 76-15-202, 76-15-803
  land use regulations
    alteration, petition for, 76-15-705
    submission to, 76-15-701
  nominating petitions, requirements, 76-15-302
  referenda, eligibility to vote, 76-15-207, 76-15-805
    effect of vote, 76-15-210, 76-15-808
  variance petitions
    filing, 76-15-723
    hearings, party to, 76-15-724
Establishment, See **Creation**
Expenses
  adjustment, board of, See **Adjustment, Board of**
  assessments to cover, 76-15-512, 76-15-527
  estimates for budget purposes, 76-15-504
  land use regulations, enforcement, 76-15-710
  project areas, See **Project areas**
  state funds for, allocation, 76-15-502
Federal revenue sharing funds, See **Funds**
Fees, 76-15-501
Financial management
  assessments, See **Assessments**
  bonds, See **Bonds**
  borrowing money, 76-15-501
    limitations, 76-15-505
  budget, 76-15-504
  funds, See **Funds**
  generally, 76-15-501
  project area expenses, See **Project areas**
Funds
  account, 76-15-530
  coal severance tax, 15-35-108
  county officers, See **Assessments**
  county tax funds, See **Assessments**, generally
  district funds
    depository, 76-15-508, 76-15-523

CONSERVATION DISTRICTS (Continued)

Funds (Continued)
    district funds (Continued)
        payment from, 76-15-525
        receipt and crediting, 76-15-524
    expenditure, purposes, 76-15-527
    federal revenue sharing, 76-15-501
    investment, 76-15-507, 76-15-508
    project areas, for, 76-15-622 — 76-15-625
    renewable resource development funds, 90-2-101, 90-2-113
    state funds
        allocation, 76-15-502
        uses, permissible, 76-15-503
    statement regarding, 76-15-504
    surplus, management, 76-15-508
Gifts, 76-15-403
Governing body, See **Supervisors**, generally
Governmental subdivision and public body, as, 76-15-215
    proceedings, 76-15-212
Grants, 76-15-530
Hearings
    adjournment, 76-15-104, 76-15-203
    adjustment, board of, 76-15-724
        members, removal, 76-15-721
    boundaries, 76-15-202
    combination or division of district, 76-15-803
    conduct, 76-15-208
    creation, 76-15-202 — 76-15-204, 76-15-208
    discontinuance of district, petition for, 76-15-804
    expenses, 76-15-208
    land use regulations, 76-15-701
    notice of, See **Notice, due**
    project areas, 76-15-602, 76-15-603
    property, allocation, 76-15-803
    supervisors, removal from office, 76-15-314
    variances, petition for, 76-15-724
Indebtedness, authority regarding, 76-15-501
Information, dissemination, 76-15-105, 76-15-401, 76-15-402
Instruments, power regarding, 76-15-320
Investigations, 76-15-401, 76-15-603
Land use regulations
    adjustment, board of, See **Adjustment, Board of**
    adoption, 76-15-701
    alteration, 76-15-705
    appeals, 76-15-726
    complaints, 76-15-708
    compliance, 76-15-708
    contents, 76-15-706
    district court jurisdiction, 76-15-710
    effect
        of law, 76-15-704
        over publicly-owned lands, 76-15-317
    enforcement, 76-15-709, 76-15-710
    hearings, 76-15-701
    meetings, public, 76-15-701
    petitions
        alteration, for, 76-15-705
        enforcement, for, 76-15-709
    publication, 76-15-707
    referenda, 76-15-701, 76-15-702, 76-15-705
    termination of district, effect, 76-15-810
    uniformity, 76-15-706

CONSERVATION DISTRICTS (Continued)

Land use regulations (Continued)
    variances, See **Adjustment, Board of**
    voter approval requirement, 76-15-703
Legal status, 76-15-320
Legislature
    determinations, 76-15-101
    policy, 76-15-102
Liens, 76-15-501, 76-15-528, 76-15-810
Meetings, public, 76-15-701, 76-15-722, 76-15-804
Merger, See **Alteration**, combination or division
Mining reclamation by, 82-4-239
Municipalities
    cooperation, 76-15-316
    representation, 76-15-311, 76-15-316
Name
    change, See **Alteration**
    defects, See **Creation**
Natural Resources and Conservation, Board of
    adjustment, board of
        membership ineligibility, 76-15-721
        records, 76-15-722
    assessments
        insufficient, 76-15-505
        levy, inclusion of loan payment or retirement of warrants, 76-15-505
    borrowing money, limitations, 76-15-505
    boundaries, definement, 76-15-204
        request for, 76-15-201
    combination or division of district, procedures, 76-15-803
    creation of district
        administrative practicability, determination, 76-15-206, 76-15-209
            assistance for, 76-15-207
            criteria, 76-15-210
        need for, determination, 76-15-204
            criteria, 76-15-205
        petitions
            consolidation when, 76-15-201
            denial, 76-15-204, 76-15-209
    defined, 76-15-103
    depository designated by, 76-15-508
    discontinuance of district
        administrative practicability, decision regarding, 76-15-806, 76-15-807
        criteria for decision, 76-15-808
    division or combination of district, procedures, 76-15-803
    hearings
        adjournment, 76-15-203
        records, review, 76-15-203
    name, defects, 76-15-213
    supervisors
        appointment, 76-15-211
        removal, 76-15-314
    termination of district, certification, 76-15-809
    variances
        appeals from decision concerning, 76-15-726
        decision concerning, 76-15-725
Natural Resources and Conservation, Department of
    account, administration, 76-15-530
    addition of territory, petitions for, 76-15-802
    adjustment, board of — members
        appointment, 76-15-721
        departmental employees, ineligibility, 76-15-721
        removal, hearing, 76-15-721
    application for organization, statement accompanying, 76-15-212

CONSERVATION DISTRICTS (Continued)

Natural Resources and Conservation, Department of (Continued)
- budget, submission, 76-15-504
- combination or division of district, procedures, 76-15-803
- contracts, party to — when, 76-15-810
- creation
  - hearings, 76-15-202, 76-15-203
  - petition
    - filing, 76-15-201
    - hearing, 76-15-202
  - referendum, 76-15-207
- defined, 76-15-103
- discontinuance of district
  - petition, filing, 76-15-804
  - referendum results, publication, 76-15-806, 76-15-807
- division or combination of district, procedures, 76-15-803
- duties generally, 76-15-105
- funds, allocation, 76-15-502
- grants, rules concerning, 76-15-530
- hearings, 76-15-202, 76-15-203
  - adjustment, board of — removal of members, 76-15-721
  - discontinuance of district, 76-15-804
  - expenses and conduct, 76-15-208
  - property, allocation, 76-15-803
- legal assistance provided by, when, 76-15-319
- name of district, petition to change — filing, 76-15-801
- notices, See **Notice, due**
- referenda
  - creation, proposition for, 76-15-207
  - expenses and conduct, 76-15-208
  - results, publication, 76-15-209
- storage reservoirs, funding applications, 76-15-408
- termination of district
  - certification by board, 76-15-809
  - effect on department, 76-15-810
- variance petitions
  - hearings, 76-15-724
  - service, 76-15-723

Need for, determination, See **Creation**

Nonstate lands, benefits to, 76-15-411

Notice, due
- combination or division of district, 76-15-803
- defined, 76-15-103
- discontinuance of district, 76-15-805
- election, nominating, 76-15-302
- expenses for issuance, 76-15-208
- hearings
  - creation
    - additional territory, inclusion, 76-15-203
    - petition and proceedings, 76-15-202
  - project areas, establishment, 76-15-602
  - variance petitions, 76-15-724
- name of district, change, 76-15-801
- referenda
  - creation, proposition for, 76-15-207
  - land use regulations, for, 76-15-701, 76-15-702

Occupier of land
- agreements and aid, 76-15-403
- consent required when, 76-15-403
- defined, 76-15-103
- land use regulations
  - availability to, 76-15-707
  - effect, 76-15-704

CONSERVATION DISTRICTS (Continued)

Occupier of land (Continued)
  nonstate lands, agreements or covenants as to use, 76-15-411
  plans, information regarding, 76-15-402
  supplies and equipment furnished to, 76-15-406
Organization, See **Application for organization**; **Certificate of organization**; **Creation**, generally; **Supervisors**, notice of organization
Petitions
  addition of territory, 76-15-802
  combination or division of district, 76-15-803
  creation of district, See **Creation**
  discontinuance of district, 76-15-804, 76-15-806, 76-15-807
  land use regulations
    alteration, 76-15-705
    enforcement, 76-15-709
  name of district, to change, 76-15-801
  nominating, 76-15-302
  project areas, 76-15-601
  variances, for, 76-15-723
Plans, development, 76-15-402
Policy, legislative, 76-15-102
Programs, coordination,76-15-105
Project areas
  administration, 76-15-610
  area included in, 76-15-609
  assessments for, See **Assessments**
  creation, notice of, 76-15-607
  description of work or area, 76-15-608
  election, 76-15-605, 76-15-606
  establishment, 76-15-601
  expenses
    assessments to finance, See **Assessments**
    estimates, 76-15-621
    financing, 76-15-622 — 76-15-625
  federal authority, effect on, 76-15-611
  funds, disposition, 76-15-624
  hearings, 76-15-602, 76-15-603
  improvements, maintenance, 76-15-612
  insufficient revenue, 76-15-624
  need for, investigation, 76-15-603, 76-15-605
  petition, 76-15-601
    decision regarding, 76-15-605
    hearing, 76-15-602, 76-15-603
  protest procedures, 76-15-604, 76-15-605
Projects and works, 76-15-403
  nonstate lands, benefits to, 76-15-411
Property
  acquisition and management, 76-15-404
  division of district, allocation, 76-15-803
  limitations, 76-15-405
  taxation, exemption, 76-15-404
  termination of district, disposal, 76-15-809
Public meetings when, 76-15-701, 76-15-722, 76-15-804
Qualified electors, See **Electors, qualified**
Rates, 76-15-501
Referenda, See also **Elections**
  addition of territory, for, 76-15-802
  conduct, 76-15-208, 76-15-702, 76-15-805
  creation, for, See **Creation**
  discontinuance of district, 76-15-805
  expenses, 76-15-208
  land use regulations, 76-15-701 — 76-15-703, 76-15-705
Research activities, 76-15-401

CONSERVATION DISTRICTS (Continued)

Reservoirs, See **Water storage sites**
Revenues
  bonds payable from, 76-15-506
  funds, See **Funds**
  rates, fees, and other charges, 76-15-501
Rulemaking authority, 76-15-321
Seal, 76-15-320
Secretary, protests delivered to, 76-15-604
State funds, See **Funds**
Stream alteration or modification projects, See **RIVERS AND STREAMS, Streambed protection**
Succession, perpetual, 76-15-320
Supervisor areas, establishment, 76-15-301
Supervisors
  adjustment, board of
    appointment of members, approval, 76-15-721
    establishment, 76-15-721
    expenses, 76-15-721
    ineligibility as members, 76-15-721
    removal of members, hearing, 76-15-721
  allocation of property, rights, and liabilities, 76-15-803
  application for organization, submission, 76-15-212
  appointment, 76-15-211, 76-15-311
    replacement, 76-15-304
    vacancies, to fill, 76-15-312
  areas, 76-15-301
  assessments
    estimates furnished by, 76-15-511, 76-15-513
    treasurers, order for settlement, 76-15-522
  assistance for, 76-15-105
  bonds, issuance, 76-15-506
  certificate of organization, issued to, 76-15-213
  chairman, 76-15-313
    variance petitions served upon, 76-15-723
  combination or division of districts, procedures, 76-15-803
  cooperation
    districts, between, 76-15-318
    municipalities and counties, 76-15-316
    state agencies, 76-15-317
  county planning board members, representation, 76-1-211
  defined, 76-15-103
  discontinuance of district, certification of determination regarding, 76-15-806, 76-15-807
  division or combination of districts, procedures, 76-15-803
  election, 76-15-304, 76-15-312
    general, 76-15-303
    nominating, 76-15-302
  expenses, 76-15-313, 76-15-503
    adjustment, board of, 76-15-721
    land use regulations, 76-15-710
    project areas, 76-15-621, 76-15-622
  funds, investment, 76-15-507, 76-15-508
  governing body, as, 76-15-311
  land use regulations
    alteration, 76-15-705
    authority for, 76-15-701
    complaints, filing, 76-15-708
    compliance, determination, 76-15-708
    contents, 76-15-706
    enforcement, 76-15-709, 76-15-710
    hearings, 76-15-701
    meetings, public, 76-15-701

CONSERVATION DISTRICTS (Continued)

Supervisors (Continued)
  land use regulations (Continued)
    referendum, 76-15-701, 76-15-703
      results, publication, 76-15-702
    voter approval requirement, 76-15-703
  legal assistance, 76-15-319
  legal status, 76-15-320
  name of district, procedures to change, 76-15-801
  nominations for, 76-15-302, 76-15-304
  nonstate lands, contributions required for, 76-15-411
  notice of organization
    filing, 76-15-322
    transmittal, 76-15-323
  project areas
    administration, 76-15-610
    assessments, determination, 76-15-623
    budget, 76-15-622
    creation, filing of notice, 76-15-607
    establishment, 76-15-601
      decision regarding, 76-15-605
    expenses
      estimates, 76-15-621
      financing, 76-15-622
    hearing on petition, 76-15-602
    improvements, maintenance, 76-15-612
    need for, investigation, 76-15-603, 76-15-605
  property
    division of districts, allocation, 76-15-803
    termination of district, disposal, 76-15-809
  quorum, 76-15-313
  removal, 76-15-314
  rulemaking authority, 76-15-321
  stream alteration or modification projects, See **RIVERS AND STREAMS**, **Streambed protection**
  termination of district
    certificate of dissolution, 76-15-809
    effect, 76-15-810
    procedures, 76-15-809
  term of office, 76-15-312
  treasurer's reports, 76-15-526
  vacancy in office, 76-15-312
  variances
    appeals from decision concerning, 76-15-726
    petitions, hearings, 76-15-724
  warrants, order for, 76-15-525
  water storage site designation, cancellation, 76-15-407
Supplies and equipment, furnishing, 76-15-406
Surveys, 76-15-401
Taxes, levy, 76-15-501, See **Assessments**, generally
Termination
  certificate of dissolution, 76-15-809
  effect, 76-15-810
  procedure for, 76-15-809
Territory
  addition, 76-15-802
  included in, limitation, 76-15-216
  land use regulations, uniformity, 76-15-706
Treasurers, See **Assessments**
United States, See **Agencies of the United States**
Variances, See **Adjustment, Board of**
Warrants, 76-15-525
Water, excess — disposition, 76-15-410

CONSERVATION DISTRICTS (Continued)

Water storage sites
    funding, 76-15-408
    purposes, 76-15-409
    selection and acquisition, 76-15-407

CONSERVATORS AND CONSERVATORSHIP

See **ESTATES AND PROBATE PROCEEDINGS**

CONSIDERATION

Agency, not necessary, 28-10-202
Assignment for the benefit of creditors, inventory, 31-2-213
Commercial paper, presumption, 26-1-602
Contracts, See **CONTRACTS**
Contracts for sale, See **SALES**
Corporations
    nonprofit corporations, sale of assets, 35-2-607
    sale of assets, 35-1-808, 35-1-809
    shares, 35-1-605, 35-1-610
Debt adjustment for, 31-3-201 — 31-3-203
Defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Elections, for
    nomination, 13-35-221
    vote, 13-35-214, 13-35-215
Failure, defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Fraudulent conveyance, 31-2-303, See **FRAUDULENT CONVEYANCES**
Guaranty, for, See **GUARANTY**
Letters of credit, not necessary, 30-5-105
Mortgages, change of possession, 71-1-105
Nonprofit corporations, sale of assets, 35-2-607
Obligation, for release of debtor, 28-1-1601
Paternity, support payments, 40-6-122
Presumption, 26-1-601, 26-1-602, 28-2-804
Property transfers, not required, 70-1-502
Recreational licensees, liability of landowner when no consideration, 70-16-301, 70-16-302
Retail installment contracts, ownership, 31-1-202
Sales
    contracts, See **SALES**
    element of, 30-11-101
Vote, unlawful for, 13-35-214, 13-35-215
Wage brokers, 31-1-303, 31-1-305

CONSOLIDATION

Actions, Title 25, chapter 20, M.R.Civ.P., Rule 42(a)
Agricultural marketing associations, See **AGRICULTURAL MARKETING ASSOCIATIONS, Merger or consolidation**
Banks and trust companies, 32-1-202, 32-1-204, 32-1-205, 32-1-371
Building and loan associations, 32-2-231
Business corporations, See **CORPORATIONS, Merger, consolidation, or share exchange**
Civil actions, Title 25, chapter 20, M.R.Civ.P., Rule 42(a)
Cooperative associations, See **COOPERATIVE ASSOCIATIONS, Merger or consolidation**
Corporations generally, See **CORPORATIONS, Merger, consolidation, or share exchange**
Credit unions, 32-3-322, 32-3-323
Criminal charges, 46-11-404
Foreign corporations, See **FOREIGN CORPORATIONS, Merger or consolidation**
Investment companies, 32-1-202, 32-1-204, 32-1-205, 32-1-371

CONSOLIDATION (Continued)

Nonprofit corporations, See **NONPROFIT CORPORATIONS**, **Merger or consolidation**
Professional service corporations, 35-4-212
Rural cooperative utilities, See **UTILITIES, RURAL COOPERATIVES**, **Merger or consolidation**
Savings and loan associations, 32-2-231
Savings banks, 32-1-202, 32-1-204, 32-1-205, 32-1-371
School districts, See **SCHOOL DISTRICTS**, **Elementary districts; High school districts; Voluntary consolidation and annexation incentive plan**
Trust companies, 32-1-202, 32-1-204, 32-1-205, 32-1-371
Utilities, rural cooperatives, See **UTILITIES, RURAL COOPERATIVES**, **Merger or consolidation**

CONSPIRACY

Unlawful, 45-4-102

CONSTABLES

See also generally **PEACE OFFICERS**; **PUBLIC OFFICERS**

Actions against, statute of limitations, 27-2-209
Agisters' liens, sale of property, 71-3-1203
Arrest
  elections, obstruction of polling place, 13-13-122
  prejudgment, by, 27-16-1001, 27-16-1003, 27-16-1004
Attachment, duties, 27-18-1504, 27-18-1506
Claim and delivery, duties, 27-17-102
Deputies
  appointment, 3-10-704
  authority, 3-10-705
  liability for official acts, 3-10-704
Duties generally, 3-10-702
Elections, arrest authority, 13-13-122
Expenses, 3-10-703
Fireworks, seizure by, 50-37-109
Fish and game wardens, ex officio — appointment and duty as, 87-1-503
Gambling
  complaint, duty to make, 23-5-124
  neglect of duty unlawful, 23-5-124, 23-5-126
Game wardens, ex officio — appointment and duty as, 87-1-503
Grazing districts, trespassing livestock
  notice information, 76-16-315
  sale, 76-16-316
Health officials, to assist, 50-2-120
Horses, wrongful entry into herd districts
  delivery to, 81-4-326
  liability, 81-4-328
  sale, 81-4-327
Judgment
  criminal, execution, 46-17-302
  execution, 25-31-1102, 25-31-1104, 25-31-1105, 46-17-302
  purchase unlawful, 3-1-606
Juries and jurors, summoning, 3-15-701, 3-15-703, 3-15-801
Justice's court
  attendance required when, 3-10-701
  attorney in, prohibited, 25-31-601
  execution, duties, 25-31-1102, 25-31-1104, 25-31-1105
    criminal proceedings, 46-17-302
  process — execution, service, and return, See **Service of process by**
Liens, agisters — sale of property, 71-3-1203
Livestock, trespassing — retention when, 81-4-307

CONSTABLES (Continued)

Parole hearings, service of subpoenas, 46-23-205
Powers and duties generally, 3-10-702
Process, See **Service of process by**
Railroad personnel as, 69-14-1003
Replevin, duties, 27-17-102
Salary, 3-10-703
Sales finance companies, arrest for contempt, 31-1-211
School attendance officers, as — when, 20-5-104
Service of process by, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  deputy, by, 3-10-704, 3-10-705
  justices' courts, for, 3-10-701, 25-31-408
  money collected, disposition, 3-10-222
  parole hearings, 46-23-205
  retiring constable, completion of execution by, 3-10-706
  small claims courts, 25-35-604
Small claims courts, service of process, 25-35-604
Trust indentures, posting of notice of foreclosure sale, 71-1-315
Wardens, fish and game — ex officio, appointment and duty as, 87-1-503

CONSTITUTIONAL CHALLENGES

Appeals, certification to attorney general, Title 25, chapter 21, M.R.App.Civ.P., Rule 38
Attorney general, certification of notice to or service upon, 27-8-301; Title 25, chapter 20, M.R.Civ.P., Rule 24(c); Title 25, chapter 21, M.R.App.Civ.P., Rule 38
Criminal proceedings, 46-21-101
Declaratory judgment proceedings, 27-8-301
Intervention by state, Title 25, chapter 20, M.R.Civ.P., Rule 24(c)
Securities, defect, 30-8-202
Substitution of successor to public officer, Title 25, chapter 20, M.R.Civ.P., Rule 25(d)
Supreme court proceedings, in, Title 25, chapter 21, M.R.App.Civ.P., Rule 38
Tax appeal proceedings, 15-2-304, 15-2-305

CONSTITUTIONAL RIGHTS

  See **RIGHTS**

CONSTITUTION OF MONTANA

  See also separate index printed with the constitution

Amendments to, See **BALLOT ISSUES**
Convention
  initiative to call, 13-27-101, See also **BALLOT ISSUES**, generally
    petition form, 13-27-206
  periodic submission to electorate, 13-1-121
    ballot, 13-1-122
Election of state officers prescribed by, 2-16-201
Enrolled copy, custody, 2-6-111
Judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
Law of state, written — contained in, 1-1-105
1972, publication with Montana code annotated, 1-11-204

CONSTITUTION OF THE UNITED STATES

  See ANNOTATIONS TO MONTANA CODE ANNOTATED, Vol. I, for text and index

Amendments
  convention, 13-26-101, See **Convention**
  federal law supersedes, 13-26-111
  vote, 13-26-104, 13-26-109
Applicability of laws, 13-26-111
Convention, 13-26-101
  applicability of laws, 13-26-111

CONSTITUTION OF THE UNITED STATES (Continued)

Convention (Continued)
  certification of result, 13-26-109
  delegates
    compensation, 13-26-108
    election, 13-26-102, 13-26-104, 13-26-105, 13-26-107
    nomination, 13-26-103
    number, 13-26-102
    qualifications, 13-26-107, 13-26-110
    quorum, 13-26-107
    representation, 13-26-102
    rulemaking authority, 13-26-107
  federal law supersedes, 13-26-111
  location, 13-26-106
  majority vote, 13-26-109
  officers, 13-26-107, 13-26-108
  quorum, 13-26-107
  required, 13-26-101
  rulemaking authority, 13-26-107
  time of convention, 13-26-106
  vote, majority vote, 13-26-109
Extradition, applicability of laws, 46-30-201
Judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
Publication with Montana Code Annotated, 1-11-204

CONSTRUCTION

  See **BUILDINGS AND BUILDING REGULATIONS**; **CAPITOL AND OTHER STATE BUILDINGS**; See also **PUBLIC CONTRACTORS**

CONSTRUCTION OF STATUTES

  See **LAW**, **Statutes**

CONSTRUCTION WORKERS

Liens for labor, See **LIENS**, **Mechanics' liens**
Wage protection, See **WAGES**

CONSULTANTS, PRIVATE

  See **STATE GOVERNMENT**

CONSULTING ENGINEERS

  See **ENGINEERS AND LAND SURVEYORS**

CONSUMER COUNSEL

  See also **LEGISLATIVE CONSUMER COMMITTEE**

Appointment, 5-15-201
Appropriations, 69-1-223, 69-1-224
Availability, notice concerning, 69-2-212
Complaints against utilities in behalf of consumers, 69-3-321
Consultations, 69-1-211
Consumer interests
  availability, 69-2-212
  complaints in behalf of, when, 69-3-321
  representation, 69-2-102, 69-2-201, 69-2-202, 69-2-204
Defined, 69-1-201
Discovery powers, 69-2-203

CONSUMER COUNSEL (Continued)

Fees, See **Regulated companies**
Funding of office, 69-1-223
Hearings
  appearance at, 69-2-201
  notice requirements, 69-2-211, 69-2-212
  rights and powers, 69-2-201
  utility rate changes, 69-3-303
Investigatory powers, 69-2-203
Legislation, recommendations for, 69-1-222
Municipal utilities
  rate hearings
    attendance, 69-7-112
    notices, 69-7-111
  report, annual, 69-7-121
Public Service Commission proceedings, application for injunction, 27-19-203
Qualifications, 5-15-201
Railroad sidetracks, spurs, or stock facilities — notice regarding removal, 69-14-813
Rate increases
  protests by, 69-2-102
  utility hearings, party to, 69-3-303
Regulated companies
  defined, 69-1-201
  examination of personnel and records, 69-2-203
  fees
    determination, 69-1-224, 69-1-225
    failure to pay, 69-1-226, 69-2-205
    lien, as, 69-1-227
    payment, 69-1-223
  lien filed when, 69-1-225, 69-1-227
  notices to, 69-1-224
  penalties and interest, 69-1-225 — 69-1-227, 69-2-205
  proceedings against, 69-2-202
  statement, filing, 69-1-223
    failure to file, effect, 69-1-225, 69-2-205
  violations, 69-2-205
  warrant for distraint, 69-1-226, 69-1-227
Report, annual, 69-1-222
Revenue, Department of
  fees
    collection, 69-1-225, 69-1-226
    determination, 69-1-224, 69-1-225
    lien, as, 69-1-227
    nonpayment, 69-2-205
    payment, 69-1-223
  lien filed when, 69-1-225, 69-1-227
  penalty and interest, 69-1-225 — 69-1-227
  statement filed with, 69-1-223
    failure to file, effect, 69-1-225, 69-2-205
  warrant for distraint, 69-1-226, 69-1-227
Salary, 5-15-201
Staff, 69-1-221

CONSUMER LOAN ACT, Title 32, chapter 5

  See **CONSUMER LOAN BUSINESSES**, generally

CONSUMER LOAN BUSINESSES

  See also **CREDIT TRANSACTIONS, Retail installment sales**

Advertising
  false, 32-5-309

CONSUMER LOAN BUSINESSES (Continued)

Advertising (Continued)
  investigation of advertiser when, 32-5-402
  limitations, 32-5-309
  penalty for violation of provisions, 32-5-406
Annual reports, 32-5-308
Applicability of consumer loan business laws, See also **Enforcement of laws**
  generally, 32-5-103
  installment loans, 31-1-202
  secured transactions, 30-9-203
Association with other business, 32-5-203
Citation of Consumer Loan Act, 32-5-101
Commerce, Department of
  annual reports to, 32-5-308
  consumer price index adjustments to dollar amounts, rulemaking authority, 32-5-104
  enforcement of consumer loan business laws, 32-5-401, 32-5-404, 32-5-405
  examinations by, 32-5-403
  injunction, 32-5-404, 32-5-405
  investigation by, 32-5-402
  licensing
    application, 32-5-201, 32-5-202
    denial, 32-5-202
    issuance, 32-5-202
    renewal, 32-5-204
    supplementary licenses, 32-5-201
    surrender of license to department, 32-5-205
    suspension or revocation, 32-5-207
      reinstatement, 32-5-208
  loans
    receipts, approval of data processing methods, 32-5-304
    records required, 32-5-307
  powers and duties generally, 32-5-401
  records required by, 32-5-307
  relocation of business, approval, 32-5-201
  reports required by, 32-5-308
  restraining order, 32-5-405
  rulemaking authority, 32-5-104, 32-5-401
  supervision, 32-5-401
Consumer Loan Act, Title 32, chapter 5, See this main category generally
  applicability, 32-5-103
  citation, 32-5-101
  violation and penalty, See **Enforcement of laws**
Consumer price index adjustment to dollar amounts, 32-5-104
Contracts, See **Loans**
Credit, See **Loans**
Crimes, See **Enforcement of laws**
Definitions, 32-5-102
Development credit corporation, membership in, 32-4-101, 32-4-302, See also **DEVELOPMENT CREDIT CORPORATIONS**, generally
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Dollar amounts, adjustment, 32-5-104
Electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Enforcement of laws
  charges exceeding maximum rate
    contract void when, 32-5-103
    penalty, 32-5-301, 32-5-406
  consumer price index adjustments to dollar amounts, effect, 32-5-104
  injunction
    abatement of violations, 32-5-405
    records, production compelled, 32-5-404
  interest exceeding maximum rate, penalty, 32-5-103, 32-5-301, 32-5-406
  investigation, 32-5-402
  receiver, appointment, 32-5-405

CONSUMER LOAN BUSINESSES (Continued)

Enforcement of laws (Continued)
  restraining order, 32-5-405
  revocation of license, 32-5-207, 32-5-401
  subpoena, 32-5-404
  suspension of license, 32-5-207, 32-5-401
  transaction of business without a license, penalty, 32-5-406
Examinations, by department of commerce
  additional examinations when, 32-5-403
  annual, 32-5-403
  fee, 32-5-403
  records, access and production, 32-5-404
  witnesses, 32-5-404
Fees
  consumer price index adjustments to dollar amounts, effect, 32-5-104
  examination, 32-5-403
  filing, 32-5-301
  investigation, 32-5-201
  license, 32-5-201
  public agencies, 32-5-301
  recording, 32-5-301
  renewal, 32-5-204
Injunction, See **Enforcement of laws**
Insurance
  indemnity, See **SURETYSHIP AND SURETIES**, generally
  loans, on, See **Loans**
Insurers, restrictions regarding, 33-18-501
Interest, See **Loans**, charges
Investigations, 32-5-402
Investments, 32-1-424, 32-2-406
Licenses
  application, 32-5-201, 32-5-202
  business transactions without, 32-5-103
    penalty, 32-5-406
  definition, 32-5-102
  denial, 32-5-202
  discrimination in issuance prohibited, 49-3-204
  display, 32-5-201
  expiration, 32-5-201, 32-5-204
    effect, 32-5-206
  fees, 32-5-201
    renewal, 32-5-204
  filing of application, 32-5-202
  issuance, 32-5-202
  loan limits determined by, 32-5-201
  open-end loans, authorization when, 32-5-501
  renewal, 32-5-204
  requirements, 32-5-201, 32-5-202
  revocation, 32-5-204
    commerce, department of — by, 32-5-207, 32-5-401
    effect, 32-5-206
    enforcement of laws by, 32-5-401
    examination fee, nonpayment — revocation when, 32-5-403
    reinstatement, 32-5-208
  supplementary licenses, 32-5-201
    fees, payment, 32-5-204
    open-end loans, authorization, 32-5-501
  surrender, 32-5-205
    effect, 32-5-206
  suspension by department of commerce, 32-5-207, 32-5-401
    enforcement of laws by, 32-5-401
    examination fee, nonpayment — suspension when, 32-5-403
    reinstatement, 32-5-208
  termination, effect, 32-5-206

CONSUMER LOAN BUSINESSES (Continued)

Loans, See also **LOANS**, generally
  advertising
    investigation when, 32-5-402
    limitations, 32-5-309
    penalty for violation, 32-5-406
  amount, 32-5-102 — 32-5-104, 32-5-201, 32-5-301
    open-end loans, 32-5-501
  attorney fees, statement in contract, 32-5-407
  charges
    advertising limitations, 32-5-309
      penalty for violation, 32-5-406
    computation, 32-5-301
    contract, statement in, 32-5-303
    deferral, 32-5-321 — 32-5-324
    fees to public agencies, 32-5-301
      contract, statement in, 32-5-303
    minimum, 32-5-301
    open-end loans, 32-5-501, 32-5-502, 32-5-504, 32-5-506
    past due amounts, charges on, 32-5-301
    rates, allowable, 32-5-103, 32-5-301
      supplementary license, 32-5-201, 32-5-301
    refunds, 32-5-301
      contract, statement in, 32-5-303
    violation and penalty, 32-5-103, 32-5-406
  collateral, See security
  confession of judgment unlawful, 32-5-305
  consumer price index adjustment to dollar amounts, 32-5-104
  contract
    advertising limitations, 32-5-309
      penalty for violation, 32-5-406
    attorney fees, statement in contract, 32-5-407
    contents, 32-5-303
    copy to borrower, 32-5-303
    deferral, provision, 32-5-321
    incomplete instruments, 32-5-305
    past due amount, charges provided for, 32-5-301
    void when, 32-5-103, 32-5-301
      contract preexisting, 32-5-206
  credit life or disability insurance, provision for, 32-5-306
    open-end loans, 32-5-504
  credit when, 32-5-301
  deferral
    collection of charge, 32-5-324
    defined, 32-5-321
    permissible, 32-5-321
    prepayment, 32-5-322
    prohibited when, 32-5-323
    rate of charge, 32-5-322
  discriminatory practices prohibited, 49-2-306, 49-2-403
  dollar amounts, adjustment, 32-5-104
  electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
  federal consumer protection act, disclosures to borrower, 32-5-303
  incomplete instruments, 32-5-305
  installment, applicability of laws, 31-1-202
  insurance, 32-5-306
    contract, statement in, 32-5-303
    credit life or disability, 32-5-306, 32-5-504
  open end loans
    amount, 32-5-501
    applicability of laws, 32-5-506
    authorization, 32-5-501

CONSUMER LOAN BUSINESSES (Continued)

Loans (Continued)
    open end loans (Continued)
        charges
            additional, 32-5-504
            amount, 32-5-501
            compounding prohibited, 32-5-501
            computation, 32-5-501, 32-5-502, 32-5-504, 32-5-506
        credit life and disability insurance, 32-5-504
        early payment, 32-5-503, 32-5-506
        license, 32-5-501
        payment, 32-5-503, 32-5-506
        receipts, 32-5-506
        security, 32-5-505
        supplementary license required, 32-5-501
    payments
        installments, 32-5-302
        open-end loans, 32-5-503, 32-5-506
        receipts, 32-5-304
        record, 32-5-304
            preservation, 32-5-307
        return of note, 32-5-305
        scheduling, 32-5-302
            contract, statement in, 32-5-303
        wage assignment, 32-5-310
    power of attorney to appear in judicial hearing unlawful, 32-5-305
    real estate as security, 32-5-301
    refunds, 32-5-301
    restrictions generally, 32-5-103
    security
        annual report, analysis of types in, 32-5-308
        contract, statement in, 32-5-303
        insurance of property given as, 32-5-306
        open-end loans, 32-5-505
        real estate as, 32-5-301
        wage assignments as, 32-5-310
    wage assignment, 32-5-310
Offenses, See **Enforcement of laws**
Offices, See **Place of business**
Open-end loans, See **Loans**
Operation with other business, 32-5-203
Penalties for violation, See **Enforcement of laws**
Place of business
    license, display at, 32-5-201
    location, 32-5-203
    relocation, 32-5-201
Receivers, appointment when, 32-5-405
Records
    access by department of commerce, 32-5-403
    maintenance, 32-5-307
    preservation, 32-5-307
    production, 32-5-403, 32-5-404
    requirement, 32-5-307
Relocation, 32-5-201
Reports, 32-5-308
Rules governing, adoption and enforcement, 32-5-401
Supervision, 32-5-401
Supplementary license, See **Licenses**
Unlawful practices, See **Enforcement of laws**
Violation of consumer loan business laws generally, See **Enforcement of laws**
Wage assignment, 32-5-310, See also **Loans**

CONSUMER PRODUCT SAFETY ACT OF 1975, Title 50, chapter 30
  See **HAZARDOUS SUBSTANCES**, generally

CONSUMER PROTECTION

Alcoholic beverages, 16-1-101
Automobile clubs, cash deposits or bonds for, 61-12-304
Blood, products liability, 50-33-101 — 50-33-104
Bread, quality control, See **FOOD AND FOOD PRODUCTS, Flour and bread**
Chemical sets for children, product safety, 50-30-203, See also **HAZARDOUS SUBSTANCES**, generally
Cigarette sales, 16-10-102, 16-10-301
Commerce, Department of, See also **TRADE REGULATION AND COMPETITION**
  consumer reports, 31-3-125, 31-3-152
Commercial feeds, labeling requirements, See **COMMERCIAL FEEDS**
Commercial fertilizers, registration procedures, See **COMMERCIAL FERTILIZERS**
Consumer Counsel, See **CONSUMER COUNSEL**
Consumer Product Safety Act of 1975, Title 50, chapter 30, See **HAZARDOUS SUBSTANCES**, generally
Consumer reporting agencies, See **Investigation and reporting**
Consumer reports, See **Investigation and reporting**
Cosmetics, See **COSMETICS**, generally
Credit ratings, See **Investigation and reporting**
Credit reports, See **Investigation and reporting**
Crimes, See **Offenses**
Damages
  consumer reports, 31-3-142, 31-3-143
  exclusion, 30-2-719
  extent, 30-2-715
  limitation, 30-2-719
Deception, 30-14-102, 30-14-103, See **TRADE REGULATION AND COMPETITION, Unfair practices**
Door-to-door sales, See **SALES, Personal solicitation**
Drugs, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**, generally
Flour, See **FOOD AND FOOD PRODUCTS**
Food, See **FOOD AND FOOD PRODUCTS**, generally
Food establishments, See **HEALTH, Food establishments**
Gasoline, standards and testing, See **GASOLINE AND PETROLEUM PRODUCTS**
Hazardous substances, product safety, See **HAZARDOUS SUBSTANCES**
Indian articles, authenticity, See **SALES**
Insurance Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Insurers, prohibited practices, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Prohibited practices**
Investigation and reporting
  accuracy
    disputed, 31-3-124, 31-3-141
    procedures for, 31-3-114, 31-3-126
  actions
    damages, 31-3-142, 31-3-143
    inclusion in report, 31-3-112, 31-3-126
    jurisdiction of district court, 31-3-151
    right of, by consumer, 31-3-141
    venue, 31-3-151
  administrative rules, 31-3-152
  adverse information
    obsolete, when, 31-3-112
    public record, from, 31-3-126
    verification, 31-3-115, 31-3-124
  arrests, report of, 31-3-112, 31-3-126
  bank records, 32-1-218
  bankruptcies, inclusion, 31-3-112

CONSUMER PROTECTION (Continued)

Investigation and reporting (Continued)
- commerce, department of
  - fee schedule, establishment, 31-3-125
  - rulemaking authority, 31-3-152
- completeness, 31-3-124, 31-3-126
- construction, 31-3-102
- credit rating as property right, 31-3-103
- criminal record, inclusion, 31-3-112, 31-3-126
- currency of information
  - obsolescence, 31-3-112
  - procedure for, 31-3-126
- damages, 31-3-142, 31-3-143
- defamation, action for, 31-3-141
- definitions, 31-3-102
- disclosure to consumer
  - contents, 31-3-122
  - fees, 31-3-125
  - form, 31-3-113, 31-3-123
  - identification of consumer, 31-3-122, 31-3-123
  - medical information, 31-3-122
  - preexisting reports, 31-3-122
  - public record information, use, 31-3-126
  - reasonableness of procedures, 31-3-114
  - request for, 31-3-113, 31-3-122
  - required, 31-3-113, 31-3-125
  - user, by, 31-3-131
- disputed accuracy, 31-3-124, 31-3-141
- employment purposes
  - defined, 31-3-102
  - disclosure to consumer not required, 31-3-113
  - permissible use, 31-3-111
  - public record information, 31-3-126
- enforcement, 31-3-153
- false information, liability for providing, 31-3-114, 31-3-141
- fees, 31-3-125
- governmental agencies, report to, 31-3-121
- insurance information and privacy protection act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
- judgments, inclusion, 31-3-112, 31-3-126
- jurisdiction of district court, 31-3-151
- liabilities, 31-3-141 — 31-3-143
- medical information, 31-3-122
- negligence in preparation and disclosure, 31-3-141, 31-3-143
- noncompliance with laws
  - negligent, 31-3-143
  - willful, 31-3-142
- notice to consumer of preparation, 31-3-113
- obsolete information, 31-3-112
- penalties, 31-3-153
- personnel of reporting agencies, 31-3-123
- preparation
  - notice to consumer, 31-3-113
  - permissible when, 31-3-111
- privacy, 31-3-141
- prohibited information, 31-3-112
- property right, credit rating is, 31-3-103
- public record information, inclusion, 31-3-115, 31-3-126
- purpose of provisions, 31-3-101
- purpose of report, 31-3-111, 31-3-121
- reinvestigation, 31-3-124
- remedies, 31-3-141 — 31-3-143
- right, credit rating as, 31-3-103

CONSUMER PROTECTION (Continued)

Investigation and reporting (Continued)
  rulemaking authority, 31-3-152
  source of information, 31-3-114
  suits, inclusion, 31-3-112, 31-3-126
  tax liens, inclusion, 31-3-112, 31-3-126
  users
    effect of report, notice to consumer, 31-3-131
    identification, 31-3-114
    notice of inaccurate information to, 31-3-124
    record of, 31-3-114
  uses permissible, 31-3-111, 31-3-121
  verification of information, 31-3-115, 31-3-124
  violation of provisions, 31-3-153
Landlord-tenant relationships, See **LANDLORD AND TENANT**
Legislative Consumer Committee, See **LEGISLATIVE CONSUMER COMMITTEE**
Mattresses, See **MATTRESSES**
Milk products, See **DAIRIES AND DAIRY PRODUCTS, Milk price control**
Motor carrier rates, See **PUBLIC SERVICE COMMISSION, Rate cases**
Motor club service companies, cash deposits or bonds for, 61-12-304
Offenses
  consumer reports, 31-3-153
  deception, 30-14-102, 30-14-103, See **TRADE REGULATION AND COMPETITION, Unfair practices**
  unfair practices, 30-14-102, 30-14-103, See **TRADE REGULATION AND COMPETITION, Unfair practices**
Penalties, See **Offenses**
Personal solicitation sales, See **SALES**
Pesticides, See **PESTS AND PESTICIDES**, generally
Petroleum products, standards and testing, See **GASOLINE AND PETROLEUM PRODUCTS**
Postsecondary educational institutions, prohibited practices, See **POSTSECONDARY EDUCATIONAL INSTITUTIONS, Prohibited practices**
Product safety
  blood products, 50-33-101 — 50-33-104
  chemical sets for children, 50-30-203
  hazardous substances, See **HAZARDOUS SUBSTANCES**, generally
  toys, See **HAZARDOUS SUBSTANCES**
Product Safety Act, Title 50, chapter 30, See **HAZARDOUS SUBSTANCES**, generally
Product standards and testing, See **TRADE REGULATION AND COMPETITION, Weights, measures, and grades**
Prohibited acts, See **Offenses**
Public utility rates, See **PUBLIC SERVICE COMMISSION, Rate cases**
Railroad rates, See **PUBLIC SERVICE COMMISSION, Rate cases**
Reporting, See **Investigation and reporting**
Safety, See **Product safety**
Scales or measuring devices, customer observation, 30-12-504
Shoddy control, See **MATTRESSES**
Soil amendments, registration procedures, See **COMMERCIAL FERTILIZERS**
Subdivision sales, See generally **SUBDIVISIONS, Out-of-state sales; Out-of-state subdivisions, in-state sales**
Telephone sales, See **SALES, Personal solicitation**
Toys, product safety, See **HAZARDOUS SUBSTANCES**
Unfair trade practices, 30-14-102, 30-14-103, See **TRADE REGULATION AND COMPETITION, Unfair practices**
Unlawful acts, See **Offenses**
Utility rates, See **PUBLIC SERVICE COMMISSION, Rate cases**
Violations, See **Offenses**
Weights, measures, and grades, See **TRADE REGULATION AND COMPETITION**

CONSUMER PROTECTION ACT, Title 30, chapter 14, part 1

  See **TRADE REGULATION AND COMPETITION, Unfair practices**

CONTAGIOUS DISEASES

See **DISEASES, Communicable**

CONTAINERS

Alcoholic beverages, See **ALCOHOLIC BEVERAGES**
Apples, See **HORTICULTURE, Apples**
Beverage, sale
  definitions, 75-10-301
  detachable openings prohibited, 75-10-302
  violations and penalty, 75-10-303
Commercial feeds, See **COMMERCIAL FEEDS**
Dairy products, See **DAIRIES AND DAIRY PRODUCTS**
Discarding unlawful when, 45-8-113
Farm products, See **HORTICULTURE, Grades and brands**, generally
Food, See **FOOD AND FOOD PRODUCTS**
Montana quality label, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS**
Pull-tabs prohibited, 75-10-302
Seeds, See **AGRICULTURAL SEEDS**
Warranties, 30-2-314

CONTEMPT

Acts or omissions which constitute
  abuse of process, 3-1-501
  administrative proceedings, failure to obey supboena or give testimony, 2-4-104
  aeronautics investigations, failure to obey court orders, 67-2-502
  air carriers, violation of court decrees, 67-3-427
  assigned counsel, nonpayment of costs by defendant, 46-8-115
  assignment for benefit of creditor, failure to allow examination of records, 31-2-214
  attorneys at law, practicing without license, 37-61-210
  city court, in, 3-11-303
  consumer protection investigations, disobedience to court order, 30-14-134, 30-14-221
  contumacy, 3-1-501, 3-10-401, 3-11-303, 45-7-309
  criminal contempt, 45-7-309
  delivery to party, disobedience of judgment, 25-8-102, 25-13-203
  dentistry, board of — witnesses failure to obey court order, 37-4-324
  deposit in court, disobedience of judgment, 25-8-102, 25-13-203
  depositions, failure to be sworn or answer question, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
  district court, failure to comply with supreme court apportionment order, 3-5-403
  environmental quality council, subpoenas issued by — noncompliance, 75-1-312
  eviction from property, reentry, 3-1-504
  execution
    sales, refusal to pay costs, 25-13-705
    supplemental proceedings, disobedience to order of court or referee, 25-14-108
  facility siting requirements or rules, lack of enforcement by public officers or employees, 75-20-404
  false report of court proceedings, 45-7-309
  generally, 3-1-501, 3-10-401, 3-11-303, 45-7-309
  habeas corpus, disobedience to writ, 46-22-303
  information, failure to file, 46-11-203
  interruption or disturbance of judicial proceeding, 3-1-501, 3-10-401, 3-11-303, 45-7-309
  investigative subpoenas
    disclosure without privilege, 46-4-304
    disobedience to subpoena, 46-4-302
  judge's failure to comply with supreme court rules, 3-1-112
  judgment
    disobedience to, 3-1-501, 3-10-401, 25-8-102, 25-13-203, 40-6-117, 45-7-309; Title 25 chapter 20, M.R.Civ.P., Rule 70
    summary, affidavits in bad faith, Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
  judicial proceeding, interruption or disturbance, 3-1-501, 3-10-401, 3-11-303, 45-7-309

CONTEMPT (Continued)

Acts or omissions which constitute (Continued)
- jurors, improper conduct, 3-1-501, 45-7-309
- justices' courts, contempts in, 3-10-401
- legislative council subpoena, disobedience to, 5-11-107
- master, failure to appear and give evidence before, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
- mines and mining
  - strip and underground mine operation violations, public officer's failure to enforce, 82-4-252
  - strip and underground mine siting violations, public officer's failure to enforce, 82-4-142
  - survey or inspection under court order, interference, 70-19-204
- minors, protection from abuse — failure to comply with order for, 41-3-403
- oil and gas conservation, board of — contumacy to, 82-11-142
- order
  - disobedience to, 3-1-501, 3-10-401, 3-11-303, 45-7-309
  - referees, disobedience to, 25-14-108
  - refused by court, reapplication or contrary orders, 3-1-502, 3-1-503
- paternity proceedings
  - judgment or order, failure to obey, 40-6-117
  - witnesses charged when, 40-6-111
- physicians
  - report to the court, failure or refusal to make, Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
  - violation of injunction, 37-3-326
- process
  - disobedience or resistance to, 3-1-501, 3-10-401, 3-11-303, 45-7-309
  - return, failure to make or file, 25-3-301
- property
  - conveyance, disobedience of judgment, 25-8-102
  - reentry after eviction, 3-1-504
- public service commission
  - actions, violation of court decree enforcing, 69-14-134
  - subpoenas issued by, noncompliance, 69-3-327
- quo warranto proceedings, refusal to deliver
  - assets, 27-28-506
  - documents, 27-28-307, 27-28-506
- referees, disobedience of orders, 25-14-108
- rescue of person or property in custody, 3-1-501, 3-10-401, 3-11-303
- retail installment sales, refusal to testify, 31-1-211
- rules of court, judge's failure to comply, 3-1-112
- sales finance companies, refusal to produce evidence, 31-1-211
- securities investigations, disobedience to court order, 30-10-304
- service of process, failure to make or file return, 25-3-301
- subpoena, disobedience, See witnesses in this category
- summary judgment, affidavits in bad faith, Title 25, chapter 20, M.R.Civ.P., Rule 56(g)
- support
  - duties, enforcement, 40-5-110, 40-6-117
  - reciprocal enforcement
    - duty of support, enforcement, 40-5-110
    - obligor's violation of court orders, 40-5-127
- supreme court
  - apportionment of judicial business, failure to comply, 3-5-403
  - rules, judge's failure to comply, 3-1-112
- survey or inspection of mining claim under court order, interference, 70-19-204
- unfair trade practices investigations, disobedience to court order, 30-14-134, 30-14-221
- witnesses
  - arrest of, 26-2-403, 50-63-307
  - detaining unlawfully, 3-1-501
  - media, refusal to disclose source not a contempt, 26-1-902
  - referee, disobedience to orders, 25-14-108
  - refusal to obey subpoena or testify, 3-1-501, 26-2-104, 45-7-309, 69-3-327; Title 25, chapter 20, M.R.Civ.P., Rule 45(f)
    - administrative proceedings, 2-4-104

CONTEMPT (Continued)

Acts or omissions which constitute (Continued)
- witnesses (Continued)
  - refusal to obey subpoena or testify (Continued)
    - city court, 3-11-303
    - consumer protection investigations, 30-14-221
    - depositions, Title 25, chapter 20, M.R.Civ.P., Rules 35(b), 37(b)
    - environmental quality council hearings, 75-1-312
    - fire investigations, 50-63-307
    - inquests, at, 46-4-204
    - investigative subpoenas, 46-4-302
    - justice's court, 3-10-401
    - legislative council, 5-11-107
    - legislature, 5-5-103
    - masters, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
    - multistate tax commission audits, 15-1-601
    - oil and gas conservation, board of, 82-11-142
    - parole hearings, 46-23-206, 46-23-207
    - paternity proceedings, 40-6-111
    - retail installment sales investigations, 31-1-211
    - revenue, department of, 15-1-302
    - securities investigations, 30-10-304
    - state tax appeal board, 15-2-201
    - workers' compensation, division of, 50-71-303
  - self-incriminating evidence, subject to when giving, 46-15-311
- youth court records, failure to destroy or seal, 41-5-604

Affidavit of facts, 3-1-512

Appearance of party charged with contempt, 3-1-521
- excuse for nonappearance, 3-1-522

Arrest and custody
- bail, 3-1-514 — 3-1-516
- commitment, 3-1-513, 3-1-520, 3-1-522
- custody and detention of defendant, 3-1-515, 3-10-403
- hearing, 3-1-518
- imprisonment
  - act to be specified in warrant, 3-1-520
  - custody and detention when, 3-1-515, 3-10-403
  - performance of required act compelled by, 3-1-520
  - prohibited when, 3-1-522
- required when, 3-1-515, 3-10-403
- undertaking
  - prosecution, 3-1-521
  - return, 3-1-517
- warrants
  - bail endorsement, 3-1-514
  - commitment, 3-1-513, 3-1-520 — 3-1-522
  - issuance, 3-1-513, 3-1-521, 3-10-403
  - return, 3-1-517
  - specification of required act, 3-1-520

Attachment, See **Arrest and custody**

Bail
- allowed when, 3-1-514, 3-1-515
- endorsement on warrant of arrest, 3-1-514
- form and conditions, 3-1-516
- jumping bail, effect, 45-7-308
- undertaking
  - prosecution, 3-1-521
  - return, 3-1-517

Certiorari, writ of — review of judgment, 3-1-523, 3-2-212

Commitment, See **Arrest and custody**

Criminal code, effect, 45-1-104

Criminal contempt, 45-7-309

Hearings, 3-1-518

CONTEMPT (Continued)

Imprisonment, See **Arrest and custody**
Judgment
  conclusive and final, 3-1-523
  justice's court, 3-10-403, 3-10-405
  review, 3-1-523, 3-2-212
Justices' courts, contempts in, See **JUSTICES' COURTS**
Legislature, contempt of, 5-5-103
Nonresidents, service of papers, 25-3-402
Offenses which constitute, See **Acts or omissions which constitute**
Penalty, See **Punishment**
Procedure
  commission in presence of court, 3-1-511
    justice's court, 3-10-402
  commission not in presence of court
    affidavit of facts, 3-1-512
    arrest, 3-1-513 — 3-1-518, 3-1-521, 3-1-522, 3-10-403
    bail, 3-1-514 — 3-1-516
    hearings, 3-1-518
    imprisonment, 3-1-519, 3-1-520, 3-1-522
    judgment and review, 3-1-523, 3-2-212, 3-10-405
    justice's court, 3-10-403 — 3-10-405
    warrants of arrest, attachment, or commitment, 3-1-513 — 3-1-517, 3-1-520 — 3-1-522, 3-10-403
  disqualification of judge, provisions inapplicable, 3-1-802
  justice's court, 3-10-402 — 3-10-405
  substitution of judge, provisions inapplicable, 3-1-802
Punishment
  bail-jumping, effect on court's power to punish, 45-7-308
  court's power, 3-1-403
    bail-jumping, effect, 45-7-308
    criminal code, effect, 45-1-104
  criminal contempt, 45-7-309
  generally, 3-1-511, 3-1-519
  justice's court, 3-10-402, 3-10-404
  summary, 3-1-511, 3-10-402
Review of judgment, 3-1-523, 3-2-212
Summary punishment permitted when, 3-1-511, 3-10-402
Warrants of arrest, attachment, or commitment, See **Arrest and custody**

CONTINUANCE OR POSTPONEMENT

  See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**

CONTINUING EDUCATION

  See **SCHOOLS, Adult education; VOCATIONAL EDUCATION**, generally

CONTINUITY OF GOVERNMENT

  See **EMERGENCIES AND EMERGENCY POWERS; PUBLIC OFFICERS, Succession, gubernatorial**

CONTRABAND

  See **SEARCH AND SEIZURE**

CONTRACEPTIVE DRUGS AND DEVICES

  See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**

CONTRACTORS

See **ELECTRICIANS; PUBLIC CONTRACTORS; WATER WELLS AND WATER WELL CONTRACTORS**

CONTRACTS

See also **OBLIGATIONS**, generally

Abolished causes of action, agreements settling to be void, 27-1-605
Acceptance
- absolute, 28-2-504
- benefits, of, 28-2-503
- communication of, manner, 28-2-501
- implied, 28-2-503
- qualified, 28-2-504
- revocation, 28-2-511, 28-2-512
- time of effectiveness, 28-2-502, 28-2-511

Accord and satisfaction, See **OBLIGATIONS**
Actions, abolished — agreements settling to be void, 27-1-605
Actions on, See also **Enforcement**
- arrest of defendant, 27-16-102
- attachment of property, 27-18-101
- attorney's fees, contractual right reciprocal, 28-3-704
- change of venue, costs, 25-10-204, 25-31-1005
- complaint for specific performance, form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 11
- confession of judgment, contract provision to accept illegal, 28-2-709
- counterclaim, 25-4-403
  - judgment, 25-4-602
- declaratory judgment, 27-8-202, 27-8-203
- default, contract provision empowering entry illegal, 28-2-709
- evidence, See **Evidence**
- interpleader by substitution, Title 25, chapter 20, M.R.Civ.P., Rule 22(b)
- judgment when joint contract, justice's court, 25-31-905
- jurisdiction, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  - city court, 3-11-103, 3-11-104
  - justice's court, 3-10-301
  - small claims court, 3-12-106, 25-34-102
- real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
- rescission, adjudication, 28-2-1714 — 28-2-1716
- revision of contract, 28-2-1611 — 28-2-1613
- service of process, contract provision empowering acceptance illegal, 28-2-709
- specific performance, See **REMEDIES**
- statutes of limitation, 27-2-202, 27-2-208, 27-2-409
- successive actions on same contract, 28-2-1501
- summons, service — justice's court, 25-31-407
- venue, 25-2-101, 25-10-204, 25-31-202, 25-31-1005

Agency, See also **AGENCY**, generally
- applicability of laws, 28-10-104, 28-10-203, 28-10-215, 28-10-704, 28-10-802
- authorization to enter contract, 28-10-203, 28-10-702
- capacity to appoint, 28-10-104
- prohibited provisions respecting, 28-2-709

Agricultural marketing, See **AGRICULTURAL MARKETING ASSOCIATIONS, Marketing agreements**
Airport authorities, powers, 67-11-201, 67-11-211
Alfalfa Seed Committee, by, 80-11-304
Alteration, See **Modification**
Alternatives, See **OBLIGATIONS**
Applicability of laws
- agency, 28-10-104, 28-10-203, 28-10-215, 28-10-704, 28-10-802
- arbitration, 27-5-101
- commercial paper law, 28-2-206
- counterclaim, 25-4-403

CONTRACTS (Continued)

Applicability of laws (Continued)
  executory consideration, 28-2-811
  grants, 70-1-513
  landlord-tenant relationships, 70-24-105
  marriage, 40-1-106
  obligation law, 28-1-103, 28-2-1701
  suretyship, 28-11-403
  transfer law, 28-2-907, 70-1-502, 70-1-513
  uniform commercial code, 25-4-403, 28-2-903
  uniformity, 28-3-101
Arbitration, applicability of laws, 27-5-101
Assignment, See **Transfers**
Beer brewers and wholesalers, See **ALCOHOLIC BEVERAGES**, **Beer, brewers and wholesalers**
Boat rental, 70-8-201
Breach, See also **Actions on; Enforcement**
  attachment of property, 27-18-101
  damages, See also **DAMAGES**, generally
    amount, 27-1-311
    inadequate relief, 27-1-411
    interest set by contract, 27-1-213
    liquidated damages not a bar to specific performance, 27-1-418
    set by contract, 28-2-721
  declaratory judgment, 27-8-202, 27-8-203
  injunction, 27-19-103
  specific performance, See **REMEDIES**, **Specific performance**
Cancellation of contract, effect, 28-2-1702, 28-2-1703
Capacity to contract, See **Parties**
Carriage, of, See **CARRIERS**, **Contract of carriage**
Cohabitation, for — unenforceable by specific performance, 27-1-412
Commerce, Department of
  air navigation facilities, 67-2-403
  economic development, for consulting services, 90-1-107
  powers, 67-2-101
Community college district trustees, by — procedures, 20-15-104
Conditions, See also **OBLIGATIONS**
  confession of judgment by agent void, 28-2-709
  default, acceptance by agent void, 28-2-709
  illegalities void, 28-2-707
  impossibilities void, 28-2-707
  legal proceedings, restraint void, 28-2-708
  liquidated damages, provision fixing, 28-2-721
  service of process, acceptance by agent void, 28-2-709
Condominium sales, See **CONDOMINIUMS**
Confession of judgment, provision to accept illegal, 28-2-709
Conflict of laws, 28-3-102, 28-11-202
Consent
  alteration of contract, 28-2-1601
  cancellation of contract, 28-2-1702, 28-2-1703
  communication, See also **Acceptance**
    element of consent, 28-2-301
    fully communicated when, 28-2-502
    manner of, 28-2-501
  destruction of contract, 28-2-1702, 28-2-1703
  duress
    defined, 28-2-402
    effect, 28-2-401
    rescission when, 28-2-1711
  element of contract, 28-2-102
  elements enumerated, 28-2-301
  fraud
    actual defined, 28-2-404, 28-2-405

CONTRACTS (Continued)

Consent (Continued)
- fraud (Continued)
  - constructive defined, 28-2-406
  - effect, 28-2-401
  - kinds enumerated, 28-2-404
  - rescission when, 28-2-1711, 28-2-1712
- free
  - effect when not, 28-2-302
  - element of consent, 28-2-301
  - rescission when not, 28-2-1711
  - when not free, 28-2-401
- implied, 28-2-503
- menace
  - defined, 28-2-403
  - effect, 28-2-401
  - rescission when, 28-2-1711
- mistake
  - effect, 28-2-401
  - fact, of, 28-2-409, 28-2-411
  - foreign laws, of, 28-2-411
  - kinds enumerated, 28-2-408
  - law, of, 28-2-410
  - rescission when, 28-2-1711, 28-2-1712, 28-2-1715
- mutual
  - defined, 28-2-303
  - element of consent, 28-2-301
- ratification by, 28-2-304
- required, 28-2-102, 28-2-304
- rescission of contract, 28-2-1711
- revocation, See **Revocation of proposal**
- specific performance, effect on, 27-1-415
- undue influence
  - defined, 28-2-407
  - effect, 28-2-401
  - rescission when, 28-2-1711
- void when, 28-2-302

Conservation districts, power to make and execute, 76-15-320

Consideration
- alteration of contract, not required, 28-2-1601
- amount, determination
  - exclusive method, 28-2-814
  - interested party, by, 28-2-812, 28-2-813
  - method, 28-2-812
- element of contract, 28-2-102
- evidence of, 28-2-804, 28-2-805
- executed, 28-2-811
- executory, 28-2-811 — 28-2-814
- good consideration defined, 28-2-801
- lack, burden of proof, 28-2-805
- lawful, must be, 28-2-803
- marriage as, 28-2-903
- modification of contract, not required, 28-2-1601
- obligation as, 28-2-802
- presumption, 26-1-601, 26-1-602, 28-2-804
- property transfers, not required, 70-1-502
- rescission upon failure, 28-2-1711
- specific performance, prerequisite for, 27-1-415
- unlawful, effect, 28-2-803
- written instrument presumptive evidence of, 28-2-804

Construction, See **Interpretation**

Consultants, private — to retain, See **STATE GOVERNMENT**, **Consultants, private**

Conveyances, See **Transfers**

CONTRACTS (Continued)

Cooperative association, effect of consolidation, 35-15-505
Corporate power, 35-1-108, 35-1-1004, 35-2-107, 35-3-205
    ultra vires, effect, 35-1-110, 35-2-110
Corrections, interstate agreements — power to contract, 46-19-303, 46-19-304
Counties, by, See **COUNTIES**
Custom and usage, See **Interpretation**, usage
Damages, See **Breach**
Debt adjustment, 31-3-201
Debtors, contracts valid, 31-2-103
Deeds, See **Transfers**
Default, See **Breach**
Definitions
    actual fraud, 28-2-404, 28-2-405
    agreement, 28-2-905
    constructive fraud, 28-2-406
    contract, 28-2-101, 28-2-709, 30-1-201
    customary, 1-1-206
    duress, 28-2-402
    executed contract, 28-2-104
    executory contract, 28-2-104
    express contract, 28-2-103
    fully communicated consent, 28-2-502
    good consideration, 28-2-801
    implied contract, 28-2-103
    menace, 28-2-403
    mistake of fact, 28-2-409
    mistake of foreign laws, 28-2-411
    mistake of law, 28-2-410
    mutual consent, 28-2-303
    object of contract, 28-2-601
    third persons, 1-1-206
    undue influence, 28-2-407
    unlawful object of contract, 28-2-701
    usage, 1-1-206
Delivery, effect, 28-2-906
Destruction of contract, effect, 28-2-1702, 28-2-1703
Disaffirmance by persons of unsound mind, 28-2-204
Duress, effect on consent, See **Consent**
Elements of contract, 28-2-102
Eminent domain, relocation contracts, 70-31-204
Employment agencies, See **EMPLOYMENT AGENCIES AND OFFICES**
Employment — corporate officer, effect of removal, 35-1-411
Endorsement of nonnegotiable written contract, 28-2-206
Enforcement, See also **Actions on**; **Breach**
    damages fixed in contract, 28-2-721
    illegal agreement unenforceable, 28-2-709
    personal services, extent of enforcement, 28-2-722
    restraint by contract provision void, 28-2-708
    revised contract, specific enforcement, 28-2-1614
    successive actions, 28-2-1501
    third person who is benefited, by, 28-2-205
    writing, prevention by fraud, 28-2-902
Evidence
    consideration, 26-1-601, 26-1-602, 28-2-804, 28-2-805
    damages, actual amount presumed when contract fixes, 28-2-721
    joint and several, presumption, 28-3-703
    parol, 1-4-102, 28-2-905, 28-3-402, 70-20-202
    personal services, measure of compensation presumed, 28-2-722
    revision, presumption of equitable agreement, 28-2-1612
    uncertainty, presumption of party causing, 28-3-206
    witnessing of making, 26-1-102
    writings, 28-2-903

CONTRACTS (Continued)

Exchange as, 30-11-112, See **SALES**
Exculpatory contracts, 28-2-702
  rental agreements, 70-24-202
"Executed contract" defined, 28-2-104
"Executory contract" defined, 28-2-104
"Express contract" defined, 28-2-103
Extinction, See also **OBLIGATIONS**
  alteration, by, 28-2-1601, 28-2-1703
  cancellation, by, 28-2-1702, 28-2-1703
  destruction, by, 28-2-1702, 28-2-1703
  manner generally, 28-2-1701
  modification, by, 28-2-1601, 28-2-1703
  performance, See **Performance**
  rescission, by, 28-2-1701, See **Rescission**
  specific performance, See **REMEDIES**
Fish, Wildlife, and Parks — Department of, installment contracts by, 87-1-209
Flood control projects, for, See **FLOODS, Control projects**
Foreign corporations, validity of contracts when no certificate of authority, 35-1-1004
Fraud
  actual fraud, 28-2-404, 28-2-405
  consent, effect on, See **Consent**
  constructive fraud, 28-2-404, 28-2-406
  evidence to establish, 28-2-905
  exemption from responsibility unlawful, 28-2-702
  inducement, in, 27-1-712
  rescission for, 28-2-1711, 28-2-1712
  revision when, 28-2-1611
  writing
    disregarded when, 28-3-304
    prevention by, 28-2-902
Grain storage, See **GRAIN, Storage**
Grants, See **Transfers**
Guaranty, 28-11-202, 28-11-203, See also **GUARANTY**, generally
Health service corporations, 33-30-302
Housing, Board of — power to contract, 90-6-104
Housing projects, federal sums in lieu of taxes, Title 17, chapter 3, part 3, See **STATE FINANCE, Federal sums in lieu of taxes**
Husband and wife, See **HUSBAND AND WIFE**
Illegality
  conditions, 28-2-707
  consideration, 28-2-803
  defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
  objects, See **Object of contract**, unlawful objects
"Implied contract" defined, 28-2-103
Implied provisions, See **Interpretation**, statutory implication
Impossibility
  conditions of contract, 28-2-707
  consideration, method of determination, 28-2-814
  defense, 1-3-222
  object of contract, 28-2-602, 28-2-603
Indemnity, 28-11-301, See **INDEMNITY**
Installment sales contracts, See **CREDIT TRANSACTIONS, Retail installment sales**
Insurance, See **INSURANCE; INSURANCE — LIFE**
Insurance guaranteeing performance of, See **SURETYSHIP AND SURETIES**
Insurance guaranty associations, negotiation and party to, 33-10-105, 33-10-205
Intention, See **Interpretation**
Interpretation, See also **INSTRUMENTS**, generally
  absurdities, 28-3-401
  ambiguity, 28-2-905, 28-3-206, 28-3-306
  applicability of laws, 28-1-103, 28-11-403, 70-1-513
  belief at time of making contract, 28-3-306

CONTRACTS (Continued)

Interpretation (Continued)
  conflict of laws, 28-3-102
  effect to contract, favor of interpretation giving, 1-3-232, 28-3-201
  extrinsic evidence, 28-2-905, 28-3-402, 70-20-202
  grants, applicability of laws, 70-1-513
  indemnity, 28-11-313, See **INDEMNITY**, generally
  intention
    ambiguity, 28-3-306
    applicability of general rules, 28-3-302
    extrinsic evidence, 28-3-402
    language to govern, 28-3-401
    mutual, effect given to, 28-3-301
    objects of contract, restriction to, 28-3-305
    particular clauses subordinate to general, 28-3-307
    writing, effect, 28-3-303, 28-3-304
  joint and several promise, presumption, 28-3-703
  language to govern, 28-3-401
  multiple contracts, taken together, 28-3-203
  necessary terms, 1-3-213, 28-3-702
  original terms control form, 28-3-205
  parol evidence, 28-2-905, 28-3-402, 70-20-202
  particular expressions, 1-3-225, 28-3-307
  parts of contract, effect given to, 28-3-202
  reasonableness, 1-3-233, 28-3-701
  repugnancies, how reconciled, 28-3-204, 28-3-205
  rules of, general, 28-1-103, 28-3-201 — 28-3-206
  several contracts, taken together, 28-3-203
  statutory implication
    attorney's fees, right to, 28-3-704
    incidental terms, 28-3-702
    joint and several promise, presumption, 28-3-703
    necessary terms, 1-3-213, 28-3-702
    reasonableness, 28-3-701
    usage, conformance to, 28-3-701
  suretyship, applicability of laws, 28-11-403
  time of performance, 28-3-601 — 28-3-603
  uncertainty, resolution, 28-3-206
  uniformity, 28-3-101
  usage
    conformance to, 28-3-701
    defined, 1-1-206
  voidness to be avoided, 1-3-232, 28-3-201
  words
    inconsistencies, rejection, 28-3-503
    language to govern, 28-3-401
    ordinary meaning to govern, 28-3-501
    technical words, 28-3-501, 28-3-502
  writing controls printed terms, 28-3-205
Joint contracts, See also **OBLIGATIONS**
  judgment when only some served, justice's court, 25-31-905
  summons, service — justice's court, 25-31-407
Joint underwriting associations, power concerning, 33-22-804
Jurisdiction of courts, See **Actions on**
Justice of the peace, not permitted to draw, 3-1-602
Land Commissioners, Board of — exchange of land, 77-2-201
Landlord-tenant relationships, applicability of laws, 70-24-105
Laws applicable, See **Applicability of laws**
Libraries
  boards of trustees, authority, 22-1-309
  city-county contracts for, 22-1-315, 22-1-316
Lien created by, 71-3-102, See **LIENS**, generally
Loans, as, 31-1-101, 70-7-102, 70-7-202, See **LOANS**; **PERSONAL PROPERTY**

CONTRACTS (Continued)

Marriage, See **HUSBAND AND WIFE; MARRIAGE**
Mausoleum-columbarium authorities, power to contract, 35-21-202
Measure, terms concerning, 30-12-106
Menace, effect on consent, See **Consent**
Mines and mining
  consignment of ores, payment, 82-2-421
  partnerships, when contract is binding, 35-13-201
  reclamation contracts, 82-4-239
    opencut mines, 82-4-403, See **MINES AND MINING, Opencut mining**
Minors, power to contract, See **MINORS, Contracts**
Mistake
  consent, effect on, See **Consent**
  fact, of, 28-2-409, 28-2-411
  foreign laws, of, 28-2-411
  law, of, 28-2-410
  modification when, 28-2-1611
  parol evidence when issue, 28-2-905
  rescission for, 28-2-1711, 28-2-1712, 28-2-1715
  writing disregarded when, 28-3-304
Modification
  court, by
    equitable agreement presumed, 28-2-1612
    scope of inquiry, 28-2-1613
    when, 28-2-1611
  enforcement when modified, 28-2-1614
  extinction by, 28-2-1701, 28-2-1703
  fraud, when, 28-2-1611
  mistake, when, 28-2-1611
  oral agreement, executed — by, 28-2-1602
  oral contract, 28-2-1601
  specific performance, See **REMEDIES**
  written contract, by, 28-2-1602
  unsealed writing, effect, 1-4-207
Money, contract for
  illegal provisions, 28-2-709
  transfer, 28-2-206
Montana Arts Council, power to contract, 22-2-108
Montana Reports, printing, 3-2-603
Mortgage as, 71-1-101, See **MORTGAGES**, generally
Motor vehicles, See **MOTOR VEHICLE REGISTRATION**
Nonprofit corporations
  power to contract, 35-2-107, 35-3-205
  ultra vires, effect, 35-2-110
Notice, actual and constructive, 1-1-217, See also **OBLIGATIONS**
Novation by, 28-1-1503, See **OBLIGATIONS**
Object of contract
  applicability of laws, 28-2-811
  characteristics, 28-2-602
  consideration to be relative to, 28-2-813
  defined, 28-2-601
  element of contract, 28-2-102
  exculpatory contracts, 28-2-702
  goodwill, sale, 28-2-704
  law, against the policy of, 28-2-701, 28-2-702
  marriage, 28-2-706
  partnerships, dissolution, 28-2-705
  restraint of trade, 28-2-703
  restriction of contract to, 28-3-305
  unlawful objects
    effect, 28-2-603, 28-2-604
    exculpatory contracts, 28-2-702
    guaranty, effect, 28-11-203

CONTRACTS (Continued)

Object of contract (Continued)
  unlawful objects (Continued)
    kinds enumerated, 28-2-701
    law, against policy of, 28-2-701, 28-2-702
    responsibility, exemptions from, 28-2-702
    specific performance not possible, 27-1-412
Obligations, See also **OBLIGATIONS**, generally
  applicability of laws, 28-1-103, 28-2-1701
  arises from, 27-1-105, 28-1-102
Open-space lands, authority of public bodies, 76-6-109
Oral contracts
  fraud, by, 28-2-902
  modification, 28-2-1601
  permissible when, 28-2-901
  writing, effect on, 28-2-904
Partial performance, See **OBLIGATIONS, Performance**
Parties
  agent, applicability of laws, 28-10-104, 28-10-704
  arbitration, applicability of laws, 27-5-101
  capacity, 28-2-201, 49-2-403
  death, 28-2-512
  identification required, 28-2-102
  intention, See **Interpretation**
  limited understanding, 28-2-203
  marriage, applicability of laws, 40-1-106
  mental incapacity, 28-2-201 — 28-2-204, 28-2-512, 49-2-403
  minors, 28-2-201, See **MINORS, Contracts**
  required, 28-2-102
  rescission, See **Rescission**
  without understanding, 28-2-202
Performance, See also **OBLIGATIONS**
  acceptance, as, 28-2-503
  impossibility, See **Impossibility**
  interpretation facilitating preferred, 1-3-220, 28-3-201
  specific performance, See **REMEDIES, Specific performance**
  time
    essential, when, 28-3-602
    holiday, effect, 28-3-603
    postponement, 28-3-603
    unspecified, when, 28-3-601
    writing required when, 28-2-903
Personal services, for, 27-1-412, 28-1-202, 28-2-722; Title 25, chapter 20, M.R.Civ.P., Rule 4B
Pledge created by, 71-2-102, See **PLEDGES**, generally
Pork Research and Marketing Committee, power to make, 81-8-611
Presumptions, See **Evidence**
Principal and agent, See **Agency**
Proprietary postsecondary educational institutions, enforceability of contracts for services, 20-30-402
Public, See **PUBLIC CONTRACTS**
Public employees' retirement system, with political subdivisions, See **PUBLIC EMPLOYEES' RETIREMENT SYSTEM, Contracting employers**
Public officers and employees, prohibited acts, See **PUBLIC EMPLOYEES, Contracts; PUBLIC OFFICERS, Contracts**
Ratification when consent lacking, 28-2-304
Religious corporations, power to contract, 35-3-205
Remedies, See **Breach**
Renewable resource development contracts to be private, 90-2-103
Rental contracts, 70-1-601, See **PROPERTY, Rentals**
Rescission
  adjudication
    grounds, 28-2-1714

CONTRACTS (Continued)

Rescission (Continued)
    adjudication (Continued)
        mistake, for, 28-2-1715
        restoration, 28-2-1715, 28-2-1716
    consent not free, contract subject to, 28-2-302, 28-2-1711
    extinction by, 28-2-1701
    grounds, 28-2-1711
    limited understanding, contracts with persons of — subject to, 28-2-203
    manner, 28-2-1711, 28-2-1713
    restoration, 28-2-1713, 28-2-1715, 28-2-1716
    specific performance, See **REMEDIES**
    stipulation against, 28-2-1712
    time, 28-2-1713
Resettlement projects, federal sums in lieu of taxes, Title 17, chapter 3, part 3, See **STATE FINANCE, Federal sums in lieu of taxes**
Retail installment sales contracts, See **CREDIT TRANSACTIONS**
Revision, See **Modification**
Revocation of proposal
    procedure, 28-2-512
    time, 28-2-511
Rights, sale or assignment, See **SECURED TRANSACTIONS**
Sales, 30-11-101, 30-14-207, See **SALES**
Satisfaction, See **Extinction**
School districts, powers concerning, 20-6-101
School sites and facilities, construction, See **SCHOOLS, Sites and facilities**
Secured transactions, See **SECURED TRANSACTIONS**
Ship rental, 70-8-201
Signature
    destruction or cancellation, effect, 28-2-1702
    specific performance, effect on, 27-1-417
Specific performance, See **REMEDIES**
Spouses, See **HUSBAND AND WIFE**
State Reporter, printing, 3-2-603
Statute of frauds, 28-2-903
Statute of limitations, 27-2-202, 27-2-208, 27-2-409
Statutes applicable, See **Applicability of laws**
Subdivisions, regarding, See **SUBDIVISIONS, Conveyances**
Supreme Court decisions, printing, 3-2-603
Suretyship, applicability of laws, 28-11-403, See also **SURETYSHIP AND SURETIES**
Teachers, See **TEACHERS**
Third persons
    consideration, determination by, 28-2-812
    defined, 1-1-206
    enforcement by, 28-2-205
    modification of contract, effect, 28-2-1611
Transfers, See also **DEEDS AND CONVEYANCES**
    applicability of laws, 28-2-907, 70-1-502, 70-1-513
    nonnegotiable written contracts, 28-2-206
Undue influence, effect on consent, See **Consent**
Unfair trade practices, recovery on illegal contracts forbidden, 30-14-219
Uniform Commercial Code, applicability of laws, 25-4-403, 28-2-903
University system
    research programs, for, 20-25-108
    students' right to privacy, waiving — prohibited, 20-25-512
Unlawful provisions, See **Conditions**; **Illegality**; **Object of contract**
Usage, See **Interpretation**
Venue, See **Actions on**
Voidness
    abolished causes of action, agreements settling, 27-1-605
    avoidance, 1-3-232, 28-3-201
    conditions which are void, 28-2-707, 28-2-709
    consent, lack, 28-2-304

CONTRACTS (Continued)

Voidness (Continued)
  consideration
    determination, impossibility, 28-2-814
    unlawful, 28-2-803
  damages, fixing, 28-2-721
  guaranty, effect, 28-11-203
  legal proceedings, restraint, 28-2-708
  marriage, restraint, 28-2-706
  object, unlawful, 28-2-603, 28-2-604
  ratification when lack of consent, 28-2-304
  restraint of trade, 28-2-703
  vagueness, 28-2-603
Warranty, See **GUARANTY; WARRANTY**
Water conservation projects, for, See **FLOODS**, **Control projects**
Weight terms, 30-12-106, 30-12-306
Witnessing of making, 26-1-102
Writing
  agent's authorization to enter contract, 28-10-203
  alteration of contract, See **Modification**
  alteration of oral contract by, 28-2-1601
  cancellation, 28-2-1702, 28-2-1703
  consideration, presumption of, 28-2-804
  destruction, 28-2-1702, 28-2-1703
  disregarded when, 28-3-304
  effectiveness, time of, 28-2-906
  extrinsic evidence when, 28-2-905
  intention, determination, 28-3-303
  memorandum, 28-2-903
  modification, See **Modification**
  parol evidence when, 28-2-905
  precedence, 28-2-904
  prevention by fraud, 28-2-902
  printed terms, written terms control, 28-3-205
  required when, 28-2-901, 28-2-903
  statutory requirement, 28-2-901
  time of effectiveness, 28-2-906
  unsealed, effect on compromise or settlement of debt, 1-4-207

CONTRIBUTION

Corporation directors, for distributions, 35-1-409
Execution, 25-13-104
Joint debtors, right, 25-15-202, 28-1-303
Joint tortfeasors, 27-1-703
Negligence, joint and several liability of defendants, 27-1-703
Securities fraud, 30-10-307
Surety, right to, 28-11-417

CONTRIBUTORY NEGLIGENCE

  See **NEGLIGENCE, Comparative**

CONTROLLED-ACCESS HIGHWAYS

  See **HIGHWAYS; TRAFFIC REGULATIONS**

CONTROLLED SUBSTANCES ACT, UNIFORM, Title 50, chapter 32

  See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dangerous drugs**

CONVALESCENT HOMES AND HOSPITALS

See generally **HEALTH CARE FACILITIES; HOSPITALS AND RELATED FACILITIES; NURSING HOMES**

CONVENTIONS, POLITICAL

See **CONSTITUTION OF MONTANA; CONSTITUTION OF THE UNITED STATES; ELECTIONS, Political parties**

CONVENTS

Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally

CONVERSION

Arrest, prejudgment — when, 27-16-102
Assignment for benefit of creditors, assignee's rights, 31-2-220
Bank deposits and collection, 30-3-419
Bean storage dealers, failure to keep proper amount of beans, 80-3-511
Commercial paper, 30-3-419, 30-4-203
Commingling of materials, 70-4-204
Corporate stock, 35-1-605
Documents of title, See **DOCUMENTS OF TITLE**
Health care facility, property of patient, 50-5-207
Liens, wrongful conversion, 27-1-321, 71-3-121
Restoration, 27-1-713
Sales, rejected goods excluded, 30-2-603, 30-2-604
Securities, 30-8-318, 35-1-605
Security interest, 30-9-505
Statute of limitations, 27-2-207
Wrongful
  damages, 27-1-320
  insurance against, See **INSURANCE — CASUALTY**, generally

CONVEYANCES

See **DEEDS AND CONVEYANCES**

CONVICTED PERSONS ACT, UNIFORM STATUS OF, 46-18-801

See also **OFFENDERS, FORMER**, generally

CONVICTION

See **CRIMINAL PROCEDURE; OFFENDERS, FORMER; PRISONERS**

COOPERATIVE AGRICULTURAL MARKETING

See **AGRICULTURAL MARKETING ASSOCIATIONS**

COOPERATIVE ASSOCIATIONS

Acknowledgments
  articles of incorporation, 35-15-201
  certificate of amendment, 35-15-205
  merger or consolidation documents, 35-15-504
Actions
  dissolution, 35-15-412
  right of, 35-15-103
  statutes of limitations — sale of assets, merger or consolidation, 35-15-507

COOPERATIVE ASSOCIATIONS (Continued)

Agricultural, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**
Annual meetings, See **Meetings**
Applicability of laws
  corporation laws, 35-15-103
  exclusive, 35-15-102
  landlord-tenant laws, 70-24-104
  legislative reservation of power, 35-15-101
  merger or consolidation, 35-15-501, 35-15-505
  preexisting associations, 35-15-305
  utilities, rural cooperatives, 35-18-107
Articles of incorporation
  amendment, 35-15-205
  contents generally, 35-15-201
  filing, 35-15-201
  merger or consolidation, 35-15-502, 35-15-503
  quorum, statement in, 35-15-302
Assets, sale or disposition, 35-15-506, 35-15-507
Board of directors, See **Directors, board of**
Books and records, assignments, 35-15-403
Bylaws
  adoption, 35-15-203, 35-15-206
  directors, provision on term of office, 35-15-304
  distribution of earnings, provisions, 35-15-412
  districting provisions, 35-15-304
  filing with secretary of state, 35-15-204
  increase of members, provisions for, 35-15-301
  officers, provisions on election, 35-15-304
  quorum, statement in, 35-15-302
  stock, provisions on forfeiture for nonpayment, 35-15-402
Capital stock, See **Stock**
Certificate of amendment, 35-15-205
Certificate of organization, 35-15-204, 35-15-205
Classes of stock, See **Stock**
Commissioners, 35-15-201, 35-15-203, 35-15-204
Common stock, See **Stock**
Consolidation, See **Merger or consolidation**
Cooperative Marketing Act, Title 35, chapter 17, See **AGRICULTURAL MARKETING ASSOCIATIONS**, generally
County clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
Creation, See **Incorporation**
Credit unions, Title 32, chapter 3, See **CREDIT UNIONS**
Development credit corporations, Title 32, chapter 4, See **DEVELOPMENT CREDIT CORPORATIONS**
Directors, board of
  annual meeting, calling, 35-15-302
  articles of incorporation, amendment, 35-15-205
  assignment of stock, consent, 35-15-403
  authority, 35-15-304
  distributions, authority, 35-15-411
  districting, 35-15-304
  election, 35-15-203, 35-15-204, 35-15-304
  filing, 35-15-204
  merger or consolidation, preparation of plan, 35-15-502
  number, 35-15-304
  officers, election, 35-15-304
  special meeting, calling, 35-15-302
  stockholders, 35-15-304
  term of office, 35-15-304
Dissolution, 35-15-412
Distributions and dividends
  classes of stock, effect, 35-15-401

COOPERATIVE ASSOCIATIONS (Continued)

Distributions and dividends (Continued)
- failure to declare, 35-15-412
- frequency, 35-15-412
- manner of, 35-15-411
- time of, 35-15-412
- unfair trade practices, exemption, 30-14-215

Districts, 35-15-304
Dividends, See **Distributions and dividends**
Duration, See **Existence**
Earnings, See **Distributions and dividends**
Educational fund, 35-15-411
Evidence, corporate existence, 35-15-204
Existence
- articles of incorporation, statement, 35-15-201
- commencement, 35-15-204
- merger or consolidation, effect, 35-15-505
- period of, 35-15-103, 35-15-201
- preexisting associations, continuation, 35-15-305
- time, 35-15-103, 35-15-201

Fees
- articles of incorporation, filing, 35-15-201
- certificate of amendment, 35-15-205
- certificate of organization, 35-15-204

Filing
- articles of incorporation, 35-15-201
- bylaws, not necessary, 35-15-206
- certificate of amendment, 35-15-205
- certificate of organization, 35-15-204
- first meeting report, 35-15-204
- merger or consolidation, documents, 35-15-504
- preexisting associations, declaration of compliance, 35-15-305

First meeting, See **Meetings**
Foreign associations, merger or consolidation, 35-15-501
Formation, See **Incorporation**
Housing development sponsor, as, 90-6-103, See **HOUSING, Lower income, development**
Incorporation
- articles of incorporation, See **Articles of incorporation**
- bylaws, See **Bylaws**
- certificate of organization, 35-15-204, 35-15-205
- first meeting, 35-15-203, 35-15-204
- license, 35-15-201

Landlord-tenant laws, exclusion, 70-24-104
Laws applicable, See **Applicability of laws**
Legislative reservation of power, 35-15-101
Liabilities, assignment of stock, 35-15-403
License to open books for subscription, 35-15-201
Location, See **Offices**
Meetings
- annual, 35-15-302
- articles of incorporation, amendment, 35-15-205
- assets, sale or disposition, 35-15-506
- bylaws, adoption or amendment, 35-15-206
- delegates, 35-15-302
- distribution of earnings, 35-15-411
- first meeting, 35-15-203, 35-15-204
- merger or consolidation, 35-15-503
- notice, 35-15-203, 35-15-302
- place, 35-15-302
- quorum, 35-15-302
- special, 35-15-302
- stockholders, increase, 35-15-301

COOPERATIVE ASSOCIATIONS (Continued)

Meetings (Continued)
  time, 35-15-302
  voting, 35-15-302, 35-15-303, 35-15-401, 35-15-403
Members, See **Stockholders**
Merger or consolidation
  authorization, 35-15-501
  creditors' rights, 35-15-505
  documents, 35-15-504
  duties, 35-15-505
  effect, 35-15-502, 35-15-505
  effective date, 35-15-504
  filing of documents, 35-15-504
  meeting to consider, 35-15-503
  notice, 35-15-503
  plan, 35-15-502, 35-15-504
  property, 35-15-505
  rights, 35-15-505
  statute of limitations, 35-15-507
Name, 35-15-201
New association, See **Merger or consolidation**
Notice
  assets, sale or disposition, 35-15-506
  first meeting, 35-15-203, 35-15-204
  meetings, 35-15-302
  merger and consolidation, meeting to consider, 35-15-503
  voting by mail, 35-15-303
Officers
  articles of incorporation, execution of statement of amendment, 35-15-205
  directors to be, 35-15-304
  elections, 35-15-304
  enumerated, 35-15-304
  merger or consolidation, execution of plan, 35-15-504
  preexisting corporations, execution of affidavit of compliance, 35-15-305
  president, call of annual and special meetings, 35-15-302
Offices
  articles of incorporation, statement in, 35-15-201
  meetings to be held at, 35-15-302
  merger or consolidation, effect, 35-15-504
Organization, See **Incorporation**
Powers generally, 35-15-103
Preexisting associations, 35-15-305
Profits, See **Distributions and dividends**
Property rights, 35-15-103, 35-15-505
Purpose, 35-15-201
Reserves, 35-15-411
Rural Electric and Telephone Cooperative Act, Title 35, chapter 18, See **UTILITIES, RURAL COOPERATIVES**, generally
Rural utilities, See **UTILITIES, RURAL COOPERATIVES**
Seal, 35-15-103, 35-15-205
Secretary of State, duties, See **SECRETARY OF STATE**
Shareholders, See **Stockholders**
Shares, See **Stock**
Special meetings, See **Meetings**
Statutes applicable, See **Applicability of laws**
Stock
  articles of incorporation, statement in, 35-15-201
  assignment, 35-15-403
  attachment, 35-15-404
  classes, 35-15-401
  consideration, 35-15-401
  death of owner, 35-15-404
  dividends, See **Distributions and dividends**

COOPERATIVE ASSOCIATIONS (Continued)

Stock (Continued)
  execution, 35-15-404
  first meeting after subscription of 10 shares, 35-15-203
  forfeiture, 35-15-402
  license to issue, 35-15-201
  limitation on subscription, 35-15-202, 35-15-403
  nonpayment, 35-15-402
  payment, 35-15-401, 35-15-402
  reissue, 35-15-402
Stockholders
  assignment of interest, 35-15-403
  classes, 35-15-401
  death, 35-15-404
  directors to be, 35-15-304
  districting, 35-15-304
  filing of list, 35-15-204
  first meeting, 35-15-203, 35-15-204, See **Meetings**
  increase, 35-15-301
  liability, 35-15-403
  limit on ownership, 35-15-202
  list, filing, 35-15-204
  meetings, See **Meetings**
  merger or consolidation, authority, 35-15-502, 35-15-503
  officers, election, 35-15-304
  preexisting associations, 35-15-305
  special meetings, calling, 35-15-302, See **Meetings**
  voting, See **Meetings**
Subscribers, See **Stockholders**
Surplus, See **Distributions and dividends**
Surviving association, See **Merger or consolidation**
Utilities, rural cooperatives, See **UTILITIES, RURAL COOPERATIVES**
Voting, See **Meetings**

COOPERATIVE EXTENSION SERVICE

Alfalfa Leaf-Cutting Bee Advisory Committee, appointments to, 2-15-3005
Director
  appointments by, 2-15-1516
  fertilizer advisory committee, meetings with, 80-10-106
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Funds for, 80-10-104
  federal, 20-25-226
Highways, Department of — advice regarding seeding practices, 60-2-208
Importation of plants or seeds, restrictions regarding, 80-7-207
Insect investigations and infestation determination, 80-7-508

COOPERATIVE MARKETING ACT, Title 35, chapter 17

  See **AGRICULTURAL MARKETING ASSOCIATIONS**, generally

COOPERATIVE STATE GRAZING DISTRICTS

  See **GRAZING DISTRICTS**, generally

COORDINATE SYSTEMS

  See **REAL PROPERTY**

COPPER

  See generally **MINES AND MINING; STATE LANDS, Mining leases; TAXATION, Mines, metal mines; Resource indemnity trust tax**

COPYRIGHTS, 30-13-134
See also **TRADE REGULATION AND COMPETITION, Invention, rights to**

CORAM NOBIS, 46-21-101
See also **CRIMINAL PROCEDURE, Postconviction hearing**

CORE SAMPLES
See **COAL; MINES AND MINING; OIL AND GAS**

CORNER RECORDATION
See **PROPERTY**

CORNER RECORDATION ACT OF MONTANA, Title 70, chapter 22, part 1
See **REAL PROPERTY, Corner records**

CORN FOR GRAIN, SEED, OR FEED
See generally **AGRICULTURAL SEEDS; COMMERCIAL FEEDS; FOOD AND FOOD PRODUCTS, Flour and bread**

CORONER
See **COUNTY CORONER; MEDICAL EXAMINER, STATE**

CORONER'S INQUESTS
See **COUNTY CORONER, Inquests; CRIMINAL PROCEDURE, Inquests**

CORPORAL PUNISHMENT
Justified when, 20-4-302, 45-3-107

CORPORATE LICENSE TAX CREDIT ACT OF 1975, 15-31-124 — 15-31-127
See **TAXATION, Corporations**, license tax, new or expanded industry credit

CORPORATION INCOME TAX, Title 15, chapter 31, part 4
See **TAXATION, Corporations**

CORPORATIONS
Abandoned property, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
Abuse of corporate authority, See **Ultra vires acts**
Accountants, by, See **Professional service corporations**; See also **ACCOUNTANTS, Corporations**
Acknowledgments
  articles of incorporation, 35-1-201
  certificate, form, 1-5-204
  execution, 1-5-201
  officers, by, 1-5-201
Actions
  against, 35-1-108

CORPORATIONS (Continued)

Actions (Continued)
- arrest of officer, prejudgment, 27-16-102
- articles of incorporation, effect of amendment, 35-1-211
- assessments, recovery, 35-1-604
- depositions, See **DEPOSITIONS**, **Organization**
- dissolution
  - involuntary, for, 35-6-102
  - survival of remedy, 35-1-930
- interrogatories, Title 25, chapter 20, M.R.Civ.P., Rule 33(a)
- judgment, effect, 25-5-104
- jurisdiction of courts, Title 25, chapter 20, M.R.Civ.P., Rule 4B
- liquidation, 35-1-921
- name in suit, 25-5-104
- "person" defined, Title 25, chapter 20, M.R.Civ.P., Rule 4A
- pleadings, verification, 25-4-203
- quo warranto, See **WRITS**
- receiver, authority, 35-1-922
- records, examination, 35-1-513
- right of, 35-1-108
- service of process, See **Service of process**
- shareholder's right, 35-1-514; Title 25, chapter 20, M.R.Civ.P., Rule 23.1
- small claims court, in, 25-34-105, 25-35-505
- statute of limitations, 27-2-211, 27-2-401
- summons, service, 25-5-104, See also **Service of process**
- ultra vires, defense, 35-1-110
- witness — agent, employee, officer, or director as, Title 25, chapter 20, M.R.Civ.P., Rule 43(b)

Agent, registered, See also **AGENCY**, generally
- address change, 35-1-306
- alcoholic beverage violations, liability, 16-6-310
- annual report, designation in, 35-1-103, 35-1-1101
- appointment, 35-1-108, 35-1-411, 35-1-807, 35-6-102
- articles of incorporation, information included in, 35-1-202
  - restated, 35-1-213
- change, 35-1-306, 35-6-102
- defined, 35-1-102
- dissolved corporation, 35-1-930
- examination of records, 35-1-513
- failure to appoint, 35-6-102
- foreign corporations, See **FOREIGN CORPORATIONS**
- preexisting corporations, 35-1-103
- removal, 35-1-411
- required, 35-1-305, 35-6-102
- resignation, 35-1-306
- secretary of state as, 35-1-807, 35-1-930; Title 25, chapter 20, M.R.Civ.P., Rule 4D
- service of process on, Title 25, chapter 20, M.R.Civ.P., Rules 4B, 4D
- stock transfer books, liability, 35-1-504
- tax list, designation in, 15-31-603
- voting by, 35-1-505
- witness, as, Title 25, chapter 20, M.R.Civ.P., Rule 43(b)

Agricultural associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**

Alcoholic beverage licensing, See **ALCOHOLIC BEVERAGES**, **Licenses and licensing**, generally

Amendment of corporation provisions, power, 35-1-106

Annual meetings, See **Meetings**

Annual reports, See **Reports**

Appeal from Secretary of State, 35-1-1304

Applicability of laws
- agricultural associations, 35-16-101, 35-16-204
- agricultural marketing associations, 35-17-202
- banks, exclusion, 35-1-107

CORPORATIONS (Continued)

Applicability of laws (Continued)
  business trusts, 35-5-103, 35-5-205
  cemetery associations, 35-20-104, 35-20-209
  cooperative associations, 35-15-103
  exclusions, 35-1-107
  foreign commerce, 35-1-104
  foreign corporations, 35-1-807, 35-1-1005, 35-1-1205
  insurance companies, exclusion, 35-1-107
  interstate commerce, 35-1-104
  legislative power, 35-1-106
  mausoleum-columbarium authorities, 35-21-202
  mergers or consolidation, 35-1-807
  preexisting corporations, 35-1-103, 35-1-105, 35-1-512
  professional service corporations, 35-4-105, 35-4-106
  repeal, effect, 35-1-105
  share exchange, 35-1-807
  shareholders' rights, 35-1-511, 35-1-512
  shares, transfer, 35-1-617
  "statutes public" defined, 1-1-106
  uniform commercial code, 35-1-617
Architects, prohibited from registering as, 37-65-302
Articles of
  amendment, 35-1-209, 35-1-210, 35-1-212, 35-1-1204, 35-1-1304
  consolidation, See **Merger, consolidation, or share exchange**; **FOREIGN CORPORATIONS**, **Merger or consolidation**
  dissolution, See **Dissolution**
  exchange, See **Merger, consolidation, or share exchange**
  incorporation, See **Articles of incorporation**
  merger, See **Merger, consolidation, or share exchange**; **FOREIGN CORPORATIONS**, **Merger or consolidation**
Articles of incorporation
  agricultural marketing associations, applicability of laws, 35-17-202
  amendment
    articles of amendment, 35-1-209, 35-1-210, 35-1-212, 35-1-515, 35-1-1204, 35-1-1304
    certificate of amendment, 35-1-210 — 35-1-212
    class voting, 35-1-207, 35-1-208
    copies, certification, 35-1-1305
    dissent, 35-1-810
    effect, 35-1-211
    existence, extension, 35-1-930
    improper provisions, 35-1-515
    power, 35-1-206
    procedure, 35-1-207
    resolution, by, 35-1-207
    shares, issuance or change, 35-1-602, 35-1-612
  bylaws, authority and provisions, 35-1-214
  contents generally, 35-1-202
  copies, certification, 35-1-1305
  defined, 35-1-102
  directors, provisions respecting, 35-1-401 — 35-1-407
  disapproval, 35-1-1304
  distributions, provisions respecting, 35-1-711
  endorsement, 35-1-203
  existence, corporate
    extension, 35-1-930
    statement of, 35-1-108
  fees, 35-1-1204
  filing, 35-1-201, 35-1-203
  foreign corporations, See **FOREIGN CORPORATIONS**
  improper provisions, 35-1-515
  indemnification, limitations stated in, 35-1-414
  license fees, 35-1-1204

CORPORATIONS (Continued)

Articles of incorporation (Continued)
  merger or consolidation, statement of changes to articles, 35-1-801
  professional service corporations, See **Professional service corporations**
  reorganization, See **Reorganization**
  required, 35-1-201
  restatement, 35-1-213, 35-1-1305
  shareholders
    certification procedures, 35-1-102
    voting requirements, 35-1-507, 35-1-509, 35-1-601
  shares
    assessment, 35-1-604
    issuance, 35-1-602, 35-1-605
    purchase of own, 35-1-612
    rights and options, issuance, 35-1-607
    transfer restrictions, 35-1-617
    uncertificated, provisions, 35-1-610
Assets, See also **Shares**
  dissolution, collection, 35-1-906, 35-1-922
  distribution, See **Distributions**
  executive committee, no authority, 35-1-407
  involuntary dissolution, disposition, 35-6-104, 35-6-201
  liquidation, See **Liquidation**
  sale
    dissenters, 35-1-810
    liquidation, proceeds, 35-1-922
    not in regular course of business, 35-1-809
    regular course of business, 35-1-808
Assignment by, applicability of laws, 31-2-201
Associations, See **ASSOCIATIONS**
Assumed business name, See **NAMES**
Attestation, seal required, 1-4-205
Benevolent associations, See **BENEVOLENT ASSOCIATIONS**
Board of directors, See **Directors, board of**
Books, See **Records**
Business Corporation Act, Title 35, chapter 1, See this category generally
Business trusts
  applicability of laws
    conflict of laws, 35-5-102
    general corporate law, 35-5-103
  authority, 35-5-204
  authorization, 35-5-104
  certificate of organization, 35-5-202
  classification, 35-5-102
  conflict of laws, 35-5-102
  creating instrument
    amendment, 35-5-203
    effect, 35-5-204
    filing, 35-5-201
    powers and authority, statement in, 35-5-204
    required, 35-5-101
  defined, 35-5-101
  fees, 35-5-205
  filing, creating instruments, 35-5-201
    amendments, 35-5-203
  foreign
    actions against, 35-5-201
    classification, 35-5-102
    creating instrument, filing, 35-5-201
    license, issuance, 35-5-202
    service of process, 35-5-201
    taxes and fees, 35-5-205
  license to do business, 35-5-202

CORPORATIONS (Continued)

Business trusts (Continued)
  name, 35-5-201
  powers, 35-5-204
  service of process, 35-5-201; Title 25, chapter 20, M.R.Civ.P., Rule 4A
  taxation, 15-31-101, 35-5-205, See **TAXATION, Corporations**, license tax
  trustees, 35-5-201
Bylaws
  adoption, 35-1-108, 35-1-205, 35-1-214
  amendment, 35-1-108, 35-1-212, 35-1-214, 35-1-406, 35-1-407
  contents, 35-1-214
  directors
    action without meeting, 35-1-406
    authority, 35-1-214
    election provisions, 35-1-410
    meetings, provisions respecting, 35-1-404, 35-1-406
    number fixed by, 35-1-402, 35-1-403
    quorum set by, 35-1-405
  distributions, provisions respecting, 35-1-711
  meetings, provisions respecting, 35-1-404, 35-1-501
  repeal, 35-1-212, 35-1-214
  shareholders
    authority, 35-1-214
    certification procedure, 35-1-102
  shares
    default, penalties prescribed by, 35-1-603
    transfer restrictions, 35-1-617
    uncertificated, provisions, 35-1-610
    voting provisions, 35-1-506
Campaign contributions, 13-35-226 — 13-35-228
Cemetery associations, See **CEMETERIES**
Certificates
  amendment, See **Articles of incorporation**, amendment
  authority, See **FOREIGN CORPORATIONS**
  dissolution, See **Dissolution**
  fees, 35-1-1202, 35-1-1203
  incorporation, See **Incorporation**
  reinstatement, 35-6-201, 35-6-203
  revocation, See **FOREIGN CORPORATIONS**
  tax clearance, 35-1-928, 35-1-1017, 35-6-201
  withdrawal, See **FOREIGN CORPORATIONS**
Certification of documents generally, 35-1-1305
Certified public accountants, by, See **Professional service corporations**; See also **ACCOUNTANTS, Corporations**
Charges, See **Fees**
Citations
  business corporation act, 35-1-101
  professional service corporation act, 35-4-101
Cities and towns, as, See **CITIES AND TOWNS**, generally
Classes of shares, See **Shares**
Columbarium authorities, See **MAUSOLEUMS AND COLUMBARIUMS**
Commercial paper, negotiation, 30-3-207
Community college districts, as, 20-15-102
Conflict of interest of directors, 35-1-413
Conservation districts, as, 76-15-215
Consolidation, See **Merger or consolidation**
Contract
  power to, 35-1-108
  public, bid requirements, 18-1-103, See also **PUBLIC CONTRACTS**, generally
Cooperative associations, See **COOPERATIVE ASSOCIATIONS**
Cooperative marketing associations, agricultural, See **AGRICULTURAL MARKETING ASSOCIATIONS**
Corporate existence, See **Existence**

CORPORATIONS (Continued)

Corporate name, See **Name**
Corporation Income Tax, Title 15, chapter 31, part 4, See **TAXATION, Corporations**
Counties, as, See **COUNTIES**, generally
County housing authorities, as, See **HOUSING AUTHORITIES — COUNTY**
County water and/or sewer districts, as, See **COUNTY WATER AND/OR SEWER DISTRICTS**
Creation, See **Incorporation**
Crimes, See **Offenses**
Decree of dissolution, See **Dissolution**
Deeds, execution — governing law, 71-1-112
Default, See **Dissolution**
Definitions, 35-1-102, 35-1-414, 35-1-812
Depositions of, See **DEPOSITIONS, Organization**
Directors, board of
  action without meeting, 35-1-406
  annual report, statement in, 35-1-1101
  articles of incorporation
    amendments, authority, 35-1-206, 35-1-207, 35-1-212
    restated, effect, 35-1-213
    statement in, 35-1-202, 35-1-402
  assets, disposition, 35-1-808, 35-1-809
  bylaws, adoption by, 35-1-214
  change, 35-1-212, 35-1-402
  classification, 35-1-212, 35-1-403
  committees, 35-1-404, 35-1-407
  compensation, 35-1-401
  conflict of interest, 35-1-413
  consent to action without meeting, 35-1-406
  decrease, 35-1-402
  defined, 35-1-414
  dissent, 35-1-401, See also **Dissenters**
  dissolution
    initial board, by, 35-1-901
    involuntary, duties, 35-6-104, 35-6-201
    recommendation, 35-1-903
    revocation, inclusion in statement of, 35-1-907, 35-1-908
      recommendation, 35-1-908
    statement of intent, inclusion in, 35-1-902, 35-1-903
  distributions, may pay, 35-1-711
  election, 35-1-402, 35-1-403, 35-1-506
    irregularity, quo warranto proceedings, See **WRITS**
  executive committees, 35-1-407
  falsification by, 35-1-412
  foreign corporations, See **FOREIGN CORPORATIONS**
  increase, 35-1-402
  indemnification, 35-1-414
  insurance, 35-1-108, 35-1-414
  involuntary dissolution, 35-6-104, 35-6-201
  jurisdiction of courts, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  liability generally, 35-1-401, 35-1-409, 35-1-515
  liquidation, court may supersede, 35-1-921
  loans to, 35-1-414
  meetings of
    action without, 35-1-406
    conference telephone calls, 35-1-404
    minutes, 35-1-513
    notice, 35-1-404
    organizational, 35-1-205
    place, 35-1-404
    quorum, 35-1-405, 35-1-413
    removal of director, for, 35-1-407
    voting, 35-1-405, 35-1-406

CORPORATIONS (Continued)

Directors, board of (Continued)
- merger, consolidation, share exchange — approval, 35-1-801, 35-1-803, 35-1-805
- notaries public, as, 1-5-417
- number, 35-1-402
- officers elected by, 35-1-410
- organizational meeting, 35-1-205
- ouster, quo warranto, See **WRITS**
- pensions, 35-1-108
- powers generally, 35-1-401, 35-1-515
- professional service corporations, 35-4-203
- profit-sharing, 35-1-108
- qualifications, 35-1-401
- reclassification, 35-1-212
- removal, 35-1-408
- required, 35-1-401
- residency, 35-1-401
- service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- shareholders
  - as, 35-1-401
  - certification, 35-1-102
- shares, authority, 35-1-602 — 35-1-607, 35-1-801, 35-1-803, 35-1-805
- special meetings called by, 35-1-501
- staggered terms, 35-1-403
- term, 35-1-402, 35-1-403, 35-1-408
- vacancies, 35-1-408
- witnesses, as, Title 25, chapter 20, M.R.Civ.P., Rule 43(b)

Discriminatory practices prohibited, See **DISCRIMINATION**, generally

Disincorporation, See **Dissolution**; **Liquidation**

Dissenters
- definitions, 35-1-812
- directors, 35-1-401
- grounds, 35-1-810
- procedure, 35-1-812
- protection of right, 35-1-812
- who may dissent, 35-1-810

Dissolution, See also **Liquidation**
- act of corporation, by, 35-1-903, 35-1-908
- articles of dissolution, 35-1-901, 35-1-911, 35-1-912, 35-1-1304
- authority, 35-1-108
- certificate of dissolution, 35-1-901, 35-1-905, 35-1-912
- consent of shareholders, 35-1-902, 35-1-907
- decree, 35-1-926, 35-1-927
- deposits for certain shareholders, 35-1-929
- executive committees, authority, 35-1-407
- foreign corporations, See **FOREIGN CORPORATIONS, Withdrawal**
- intent, statement of, 35-1-902 — 35-1-905
- involuntary
  - action for, 35-6-102
  - certificate of incorporation, effect, 35-1-204
  - court order for, 35-6-102
  - court supervision, 35-1-921
  - default, 35-6-103
  - deposits for certain shareholders, 35-1-929
  - grounds, 35-6-102, 35-6-103
  - liquidation when, 35-6-104
  - list of dissolved corporations, 35-6-104
  - preexisting corporations, 35-6-101, 35-6-203
  - procedure, 35-6-104
  - professional service corporations, 35-4-216
  - reinstatement
    - application for, 35-6-201
    - certificate of, 35-6-201

CORPORATIONS (Continued)

Dissolution (Continued)
    involuntary (Continued)
        reinstatement (Continued)
            effect, 35-6-202
            name, 35-6-201, 35-6-203
    limited partnership, effect, 35-12-802
    Montana university system, penalty for misuse of name, 20-25-102
    notice, 35-1-906
    power to, 35-1-108
    preexisting corporations, 35-1-921, 35-1-926
    quo warranto proceedings, in, 27-28-502
    receiver, appointment, 27-20-103, See **RECEIVERS**; See also **Liquidation**
        quo warranto proceedings, in, 27-28-504, 27-28-505
        tax returns, preparation by, 15-31-111
    remedies, survival, 35-1-930
    revocation
        act of corporation, 35-1-908
        consent of shareholders, by, 35-1-907
        effect of statement, 35-1-910
        executive committees, authority, 35-1-407
        filing of statement, 35-1-909
    shareholders' consent, by, 35-1-902, 35-1-907
    survival of remedies, 35-1-930
    taxes
        clearance certificate, 35-1-928
        effect, 15-31-143
    unclaimed property, 70-9-205, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
    unfair trade practices, for, 30-14-134, 30-14-141
    winding-up, 35-1-906, See also **Liquidation**
Distributions
    authorization, 35-1-711
    defined, 35-1-102
    directors, liability, 35-1-409
    dissolution, upon, 35-1-810, 35-1-906, 35-1-922, 35-1-924, 35-1-929
    executive committees, no authority, 35-1-407
    limitations, 35-1-711
    restrictions, 35-1-711
Dividends
    cancellation, 35-1-206
    consideration for shares, as, 35-1-605
    declaration, 35-1-206
    fractional shares, on, 35-1-611
    payment, 35-1-206
    scrip, on, 35-1-611
    shares in series, effect of rate on preference, 35-1-602
Domestic stock and mutual insurance companies, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
Donations by, 35-1-108
Duration, See **Existence**
Earnings, See **Distributions; Dividends**
Elections, limitations on influence, 13-35-226 — 13-35-228
Electrical contractors, business as, 37-68-103, 37-68-322
Employees as witnesses, Title 25, chapter 20, M.R.Civ.P., Rule 43(b)
Engineering, professional — exemption from licensing provisions when, 37-67-103
Existence
    articles of incorporation, statement in, 35-1-108, 35-1-202, 35-1-206, 35-1-212
    beginning, 35-1-204
    cessation
        certificate of dissolution, 35-1-901, 35-1-912
        decree of dissolution, 35-1-926

CORPORATIONS (Continued)

Existence (Continued)
  cessation (Continued)
    foreign corporations, 35-1-1018
    power of, 35-1-108
  change, 35-1-206, 35-1-212
  commencement, 35-1-204
  continuation, 35-1-930
  dissolution
    certificate of, 35-1-901, 35-1-912
    decree, 35-1-926
    revocation, 35-1-910
    statement of intent, 35-1-905
  expiration, notice, 35-1-1302
  extension, 35-1-930
  involuntary dissolution, 35-6-104, 35-6-202
  limited, 35-1-108
  notice of expiration, 35-1-1302
  perpetual, 35-1-108, 35-1-202
  preexisting corporations, 35-1-1302
Falsification by officers or directors, 35-1-412
Farm mutual insurance companies, See **INSURERS — FARM MUTUAL**
Federal tax liens, filing, 71-3-204, See also **LIENS**
Fees
  authority, 35-1-1201
  business trusts, 35-5-205
  certificates, issuance, 35-1-1201 — 35-1-1203
  certification of documents, 35-1-1203
  cost, to correlate to, 35-1-1202
  failure to pay, 35-6-102
  filing, 35-1-1201, 35-1-1202
  forfeiture, 35-6-104
  involuntary dissolution, 35-6-102, 35-6-104, 35-6-201
  license, 35-1-1201, 35-1-1204, 35-1-1205
  miscellaneous, 35-1-1201 — 35-1-1203
  name, registration and reservation, 35-1-303, 35-1-304
  reinstatement, 35-6-201
Filings
  agent, change, 35-1-306, 35-6-102
  annual report, 35-1-1101, 35-1-1102
  articles of amendment, 35-1-210, 35-1-212
  articles of dissolution, 35-1-901
  articles of incorporation, 35-1-201, 35-1-203
    restated, 35-1-213
  articles of merger or consolidation, 35-1-803 — 35-1-805
  articles of share exchange, 35-1-803, 35-1-804
  certificate of authority, application, 35-1-1009
  consent of shareholders, 35-1-509
  defined, 35-1-102
  dissolution
    articles, 35-1-901, 35-1-912
    decree, 35-1-927
    intent, statement of, 35-1-904
    reinstatement application, 35-6-201
    revocation, statement of, 35-1-909
    tax clearance certificate, 35-1-928
  failure, grounds for involuntary dissolution, 35-6-102
  federal tax liens, 71-3-204
  fees, 35-1-303, 35-1-1202, 35-6-102, 35-6-201
  involuntary dissolution, reinstatement application, 35-6-201
  merger or consolidation, filings, 35-1-804, 35-1-805, 35-1-807
  name
    registration, 35-1-303, 35-1-304
    reservation application, 35-1-302

CORPORATIONS (Continued)

Filings (Continued)
  offices, change, 35-1-306, 35-6-102
  registered agent or offices, change, 35-1-306, 35-6-102
  shares
    exchange, 35-1-803, 35-1-804, 35-1-807
    issuance, 35-1-602
  tax clearance certificate, 35-1-928
  tax liens, 71-3-204
Fire department relief associations, formation, 19-11-102
Foreign commerce, applicability of laws, 35-1-104
Foreign corporations, See **FOREIGN CORPORATIONS**
Formation, See **Incorporation**
Franchise disability insurance, See **INSURANCE — DISABILITY**
Fraternal benefit societies, See **FRATERNAL BENEFIT SOCIETIES**
Fraud
  involuntary dissolution, grounds for, 35-6-102
  mining and oil and gas companies, See **FRAUD**
  tax fraud, 15-31-521, 15-31-542, 15-31-543
Governmental policy, aid to, 35-1-108
Grazing districts, See **GRAZING DISTRICTS, Incorporation**
Group insurance
  disability, See **INSURANCE — DISABILITY**
  life, See **INSURANCE — LIFE**
Guarantee by, 35-1-108
Health care information to Department of Health and Environmental Sciences on request, 50-16-101
Health service, See **HEALTH SERVICE CORPORATIONS**
Impairment, See **Dissolution; Liquidation**
Income tax, See **TAXATION, Corporations**
Incorporation
  articles of incorporation, See **Articles of incorporation**
  business trusts, 35-5-101, 35-5-201, 35-5-202
  bylaws, See **Bylaws**
  certificate of incorporation
    articles of dissolution, inclusion of issuance date, 35-1-901
    cancellation, 35-1-204
    effect, 35-1-204
    fraudulent, grounds for involuntary dissolution, 35-6-102
    issuance, 35-1-203, 35-1-901
    revocation, 35-1-204
  disincorporation, See **Dissolution; Liquidation**
  expenses, 35-1-609
  foreign corporations, See **FOREIGN CORPORATIONS**
  incorporators
    articles of dissolution, execution, 35-1-901
    articles of incorporation
      improper provisions, consent, 35-1-515
      statement in, 35-1-202
    directors' organizational meeting, called by, 35-1-205
    who may be, 35-1-201
  professional service corporations, See **Professional service corporations**
  purposes, 35-1-107
Incorporators, See **Incorporation**
Indebtedness
  dissolution, at, 35-1-901, 35-1-906, 35-1-911, 35-1-922
  distribution, 35-1-711
  liquidation, See **Liquidation**
  ostensible corporations, 35-1-109
Indemnification, power of, 35-1-414
Injunctions, ultra vires defense, 35-1-110
Insolvency, See **Dissolution; Liquidation**
Instruments, lack of seal — effect, 1-4-205

CORPORATIONS (Continued)

Insurance, See also **INSURANCE**, generally
  administrators, as, 33-17-601, See also **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS, Administrators**, generally
  agents or adjusters, licensed as, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS, Licenses — adjusters; Licenses — agents and solicitors**
  franchise disability, See **INSURANCE — DISABILITY**
  group disability, See **INSURANCE — DISABILITY**
  group life, See **INSURANCE — LIFE**
  guaranty associations, delegation of power to, 33-10-106, 33-10-216
  indemnify, to, See **SURETYSHIP AND SURETIES**
  joint underwriting associations, corporate powers, 33-22-804
  power to establish, 35-1-108, 35-1-414
  premium finance companies as, See **INSURANCE, Premium finance companies**, generally
Insurers
  domestic stock and mutual, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
  farm mutual, See **INSURERS — FARM MUTUAL**
  professional liability, 33-9-103, See also **INSURANCE — CASUALTY, Professional liability**
  reciprocal, as subscribers, See **INSURERS — RECIPROCAL**, generally
Interstate commerce, applicability of laws, 35-1-104
Involuntary dissolution, See **Dissolution**
Joint underwriting associations, corporate powers, 33-22-804
Landscape architects, prohibited from licensing as, 37-66-303
Land surveying, practice of — exemption from licensing provisions when, 37-67-103
Laws applicable, See **Applicability of laws**
Legislative reservation of power, 35-1-106
Liabilities, See also **TORTS, Governmental entities**
  criminal, 45-2-311, 45-2-312
  directors, 35-1-401, 35-1-409, 35-1-515
  executive committees, 35-1-407
  foreign corporations, 35-1-1004
  list of shareholders, failure to produce or keep open, 35-1-504
  ostensible corporations, 35-1-109
  power to incur, 35-1-108
  professional service corporations, 35-4-214, 35-4-216
  records, disallowing examination, 35-1-513
  repeal of laws, effect, 35-1-105
  sales finance companies, 31-1-222
  shareholders, 35-1-510, 35-1-515
License fees, 35-1-1201, 35-1-1204, 35-1-1205
License tax, See **TAXATION, Corporations**
Life insurance, group, See **INSURANCE — LIFE**
Limited partnerships, as agent for, 35-12-507
Liquidation, See also **Dissolution**
  action for, 35-1-921
  bulk transfers, exclusion, 30-6-103
  court supervision, request for, 35-1-906
  creditors' claims, filing, 35-1-924
  decree, 35-1-926
  deposit of proceeds for certain shareholders, 35-1-929
  discontinuance, 35-1-925
  dissenters, 35-1-810
  district court
    jurisdiction, 35-1-921, 35-1-922
    request for supervision, 35-1-906
    venue, 35-1-921
  hearing, 35-1-922
  involuntary dissolution, when, 35-6-104, 35-6-201
  jurisdiction of district court, 35-1-921, 35-1-922
  preexisting corporations, 35-1-921, 35-1-926

CORPORATIONS (Continued)

Liquidation (Continued)
  receiver, See also **RECEIVERS**, generally
    annual report, verification, 35-1-1101
    appointment, 27-20-103, 35-1-922
    bond, 35-1-923
    discontinuance of proceedings, 35-1-925
    powers and duties, 35-1-922
    qualifications, 35-1-923
    quo warranto proceedings, in, 27-28-504, 27-28-505
  shareholders, dissent, 35-1-810
  venue, 35-1-921
  when, 35-1-906
Loans by, 35-1-108, 35-1-415
Lobbying and lobbyists, See **LOBBYING AND LOBBYISTS**
Location of offices, See **Offices**
Management, inquiries into, 2-15-201
Marketing associations, agricultural, See **AGRICULTURAL MARKETING ASSOCIATIONS**
Massachusetts trusts, See **Business trusts**
Mausoleum and columbarium authorities, See **MAUSOLEUMS AND COLUMBARIUMS**
Meetings
  action without, 35-1-509
  adjournment, 35-1-503
  annual
    election of officers, 35-1-403
    failure to hold, 35-1-501
    time, 35-1-501
  articles of incorporation
    amendment, 35-1-207
    effect, 35-1-507
  assets, disposition, 35-1-809
  consent to action in lieu of, 35-1-509
  directors, See **Directors, board of**
  dissenters, See **Dissenters**
  dissolution, 35-1-903, 35-1-908
  minutes, 35-1-513
  notice, 35-1-502
  place, 35-1-501
  quorum, 35-1-505
  shareholders, determination, 35-1-503
  special
    calling, 35-1-501
    dissolution, revocation, 35-1-908
    notice, 35-1-502
  voting
    agreements, 35-1-508
    articles of incorporation, effect, 35-1-507
    class voting, 35-1-208
    dissent, See **Dissenters**
    fractional shares, holders of, 35-1-611
    list, 35-1-504
    procedure, 35-1-505, 35-1-506
    proxy, 35-1-505, 35-1-506
    qualifications, 35-1-503, 35-1-611
    quorum, 35-1-505
    shareholders, determination, 35-1-503
    shares, indication on, 35-1-602
    trust, 35-1-508, 35-4-202
Merger, consolidation, or share exchange
  appeal upon disapproval, 35-1-1304
  approval, 35-1-803, 35-1-805, 35-1-1304

CORPORATIONS (Continued)

Merger, consolidation, or share exchange (Continued)
  articles of merger, consolidation, or share exchange
    contents, 35-1-804, 35-1-805
    filing, 35-1-803 — 35-1-805, 35-1-1016
    foreign corporations, 35-1-1016, 35-1-1019
  certificate of merger, consolidation, or share exchange, 35-1-804, 35-1-805
  dissenters, 35-1-810, 35-1-812
  domestic corporations with foreign corporations, 35-1-807
  effect, 35-1-806
  executive committee authority, 35-1-407
  fees, 35-1-1204
  foreign corporations
    articles of merger or consolidation, filing, 35-1-1016, 35-1-1019
    domestic, with, 35-1-807
    license fees, 35-1-1204
  license fees upon, 35-1-1204
  name, effect, 35-1-301
  procedure, 35-1-801
  professional service corporations, 35-4-212
  subsidiary, of, 35-1-805
  taxes, effect, 15-31-114, 15-31-142
Misconduct, quo warranto, See **WRITS**
Modification of laws, 35-1-106, 35-4-106
Montana university system, use of name prohibited, 20-25-102
Mortgages, execution — governing law, 71-1-112
Motor carriers, as, See **MOTOR CARRIERS**
Motor club service companies, certification, 61-12-303
Motor vehicle dealers, See **MOTOR VEHICLE DEALERS**
Municipal, See **CITIES AND TOWNS**, generally; **CITY-COUNTY CONSOLIDATION — OPTION TWO**; **MUNICIPAL COMMISSION GOVERNMENT**; **MUNICIPAL COMMISSION-MANAGER GOVERNMENT**
Municipal housing authorities, as, See **HOUSING AUTHORITIES — MUNICIPAL**
Name
  adjudication, 35-1-301
  agent, inclusion in statement of change, 35-1-306, 35-1-1013
  annual report, statement in, 35-1-1101
  articles of amendment, statement in, 35-1-209, 35-1-212
  articles of dissolution, statement in, 35-1-901
  articles of incorporation, statement in, 35-1-202
    restated, statement in, 35-1-213
  assumed business name, See **NAMES**
  business trusts, 35-5-201
  change, 35-1-206, 35-1-209, 35-1-212
  dissolution, inclusion in
    articles, 35-1-901, 35-1-911
    intent, statement of, 35-1-902, 35-1-903
    involuntary, 35-6-201, 35-6-203
    revocation, statement of, 35-1-907, 35-1-908
  exclusivity, 30-13-202, 35-1-301, 35-1-303, 35-1-1006, 35-2-805
  fictitious, See **NAMES, Assumed business name**
  foreign corporations, See **FOREIGN CORPORATIONS**
  implication, 35-1-301, 35-1-1006
  involuntary dissolution, 35-6-201, 35-6-203
  merger or consolidation
    effect, 35-1-301
    resolution, included in, 35-1-801, 35-1-805
  Montana university system, use prohibited, 20-25-102
  offices, inclusion in statement of change, 35-1-306, 35-1-1013
  purpose, correlation to, 35-1-301, 35-1-1006
  registration, 35-1-303, 35-1-304
  renewal, 35-1-304
  requirements, 35-1-301

CORPORATIONS (Continued)

- **Name** (Continued)
  - reservation, 35-1-302
  - sale, 35-1-301
  - shares, inclusion in statement of
    - exchange, 35-1-801
    - issuance, 35-1-602
  - tax list, inclusion on, 15-31-603
  - transfer, 35-1-302
- **Negotiable instruments**, negotiation, 30-3-207
- **Net assets**, See **Assets**
- **New corporation**, See **Merger or consolidation**
- **Nonprofit corporations**, See **NONPROFIT CORPORATIONS**
- **Notaries public**, conflict of interest, 1-5-417
- **Notices**
  - abuses, 35-6-102
  - agent — foreign corporation, resignation, 35-1-1013
  - articles of incorporation
    - improper provisions, on transfer of shares, 35-1-515
    - meeting to amend, 35-1-207
  - assets, sale, 35-1-809
  - default, 35-6-104
  - directors
    - meetings, 35-1-404
    - new election, 27-28-402
  - disapproval by secretary of state, 35-1-1304
  - dissent, notice of vote or meeting where an action might give rise to, 35-1-812
  - dissolution
    - creditors, to, 35-1-906, 35-1-924
    - involuntary, 35-6-104
    - meetings on, 35-1-903
    - revocation proceedings, 35-1-908
  - liquidation, filing of claims, 35-1-924
  - merger or consolidation, meetings on, 35-1-803
  - organizational meeting, 35-1-205
  - preexisting corporations, expiration of existence, 35-1-1302
  - sale of assets, 35-1-809
  - shareholders meetings, 35-1-502, 35-1-812
  - shares
    - assessment delinquency, 35-1-604
    - exchange, meetings, 35-1-803
    - improper provisions in articles of incorporation or amendment, notice when transfer, 35-1-515
    - uncertificated, transfer, 35-1-610
  - waiver, 35-1-111, 35-1-404
- **Offenses**
  - annual report, failure to file, 35-1-1103
  - appearance, 46-6-304
  - criminal accountability, 45-2-311, 45-2-312
  - elections, campaign violations, 13-35-226 — 13-35-228
  - falsification of documents, 35-1-412
  - plea, 46-6-304
  - shareholder list, improper use, 35-1-513
  - summons when, 46-6-304
  - tax offenses, 15-31-543
- **Officers**
  - acknowledgments made by, 1-5-201, 70-21-203
  - agent, execution of statement of change, 35-1-306
  - alcoholic beverage violations, liability, 16-6-310
  - annual report — execution, listed in, 35-1-1101
  - appointment, 35-1-410
  - articles of amendment, execution, 35-1-209
  - articles of merger, consolidation, or share exchange — execution, 35-1-804, 35-1-805

CORPORATIONS (Continued)

Officers (Continued)
  assessments
    notice of delinquency, 35-1-604
    sale, purchase for corporation, 35-1-604
  dissolution
    articles of, execution, 35-1-911
    involuntary, duties at reinstatement, 35-6-201
    revocation statement — execution, listed in, 35-1-907, 35-1-908
    statement of intent — execution, listed in, 35-1-902, 35-1-903
  election, 35-1-108, 35-1-205, 35-1-410
  employment contracts, 35-1-411
  enumerated, 35-1-410
  falsification by, 35-1-412
  foreign corporations, See **FOREIGN CORPORATIONS**
  indemnification, 35-1-414
  insurance plans, 35-1-108, 35-1-414
  jurisdiction of courts, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  loans to, 35-1-108, 35-1-415
  meetings called by, 35-1-501, 35-1-502
  name, execution of registration statement, 35-1-303
  notaries public, as — conflict of interest, 1-5-417
  offices, execution of statement of change, 35-1-306
  pensions, 35-1-108
  profit-sharing, 35-1-108
  records, liability, 35-1-504, 35-1-513
  removal, 35-1-411
  secretary, publication of notice of assessment delinquency, 35-1-604
  service of process on, Title 25, chapter 20, M.R.Civ.P., Rules 4B, 4D
  shares
    cancellation, execution of statement, 35-1-612
    certificates, signature, 35-1-610
    issuance, execution of statement, 35-1-602
    rights and options, issuance to, 35-1-607
    transfer books, liability, 35-1-504
  tax violations, 15-31-543
  voting by, 35-1-506
  witness, as, Title 25, chapter 20, M.R.Civ.P., Rule 43(b)
Offices
  annual report, designation in, 35-1-103, 35-1-1101
  articles of incorporation, statement in, 35-1-202
    restated, 35-1-213
  change, 35-1-306, 35-6-102
  foreign corporations, See **FOREIGN CORPORATIONS**
  liquidation, venue determined by location, 35-1-921
  meetings held at, 35-1-501
  registered, required, 35-1-305
  required, 35-1-305
  service of process at, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  shareholders, list or record of, 35-1-513
  tax list, designation in, 15-31-603
  voting trust agreement, deposit, 35-1-508
Organization, See **Incorporation**
Parking commissions, as, See **PARKING COMMISSIONS**
Partnerships, as agent for limited partnerships, 35-12-507, See also **PARTNERSHIPS**
Pensions, 35-1-108
Perpetual existence, 35-1-108, 35-1-202
Pipeline carriers, as, See **PIPELINE CARRIERS**
Place of business, See **Offices**
Plumbers, licensing as, See **PLUMBING AND PLUMBERS**, **Licenses and licensing, generally**
Powers generally, 35-1-108, 35-1-202
  abuse, See **Ultra vires acts**
  directors to exercise, 35-1-401

CORPORATIONS (Continued)

Preexisting corporations
  applicability of laws, 35-1-103
  default, 35-6-101, 35-6-203
  expiration of existence, notice to, 35-1-1302
  foreign corporations, license fees, 35-1-1205
  involuntary dissolution, 35-6-101, 35-6-203
  liquidation, 35-1-921, 35-1-926
  professional service corporations, 35-4-104
  shareholders' rights, 35-1-512
Preferred shares, See **Shares**
Principal place of business, See **Offices**
Professional Service Corporation Act, Title 35, chapter 4, See **Professional service corporations**
Professional service corporations
  advertising prohibited, 35-4-201
  annual report, 35-4-204
  applicability of laws
    construction, 35-4-106
    ethics, 35-4-214
    general corporate law, 35-4-105, 35-4-107
    preexisting corporations, 35-4-104
  articles of incorporation
    amendment, 35-4-104
    forfeiture, 35-4-216
    preexisting corporations, 35-4-104
    shares, provisions respecting, 35-4-211
  business limitations, 35-4-215
  citation of the professional service corporation act, 35-4-101
  consolidation, 35-4-212
  construction of provisions, 35-4-106
  definitions, 35-4-103, 35-4-213
  directors, board of, 35-4-203
  disqualification of professional, effect, 35-4-216
  dissolution, 35-4-216
  ethical considerations, 35-4-214
  legislative intent, 35-4-102
  liabilities, professional, 35-4-214, 35-4-216
  malpractice, 35-4-214
  merger, 35-4-212
  physicians' assistant utilization plans, See **PHYSICIANS AND SURGEONS**
  preexisting corporation
    applicability of laws, 35-4-104
    other business, limitations, 35-4-215
  purpose for incorporation, 35-4-107
  purpose of provisions, 35-4-102
  services, how rendered, 35-4-213
  shareholders
    annual report, list in, 35-4-204
    directors, as, 35-4-203
    qualifications, 35-4-202
    voting trust agreements prohibited, 35-4-202
  shares, transfer, 35-4-211
  transfer of shares, 35-4-211
  voting trust agreements prohibited, 35-4-202
Profits, See **Distributions**; **Dividends**
Profit-sharing, 35-1-108
Prohibited acts, See **Offenses**
Property rights, 35-1-108
  redemption by shareholder, 25-13-801, 25-13-804
  transfers, recording exemptions, 15-7-307
Public accountants, by, See **Professional service corporations**; See also **ACCOUNTANTS**, **Corporations**

CORPORATIONS (Continued)

Public utilities, as, See **UTILITIES**
Purposes
        annual report, statement in, 35-1-1101
        articles of incorporation, statement in, 35-1-202
        change, 35-1-206, 35-1-212
        foreign corporations, 35-1-1011
        implementation, 35-1-108
Quo warranto, See **WRITS**
Railroads, as, See **RAILROADS**
Real estate broker provisions
    exempt, corporation to be — when, 37-51-103
    licensing as broker by corporation, when, 37-51-301
Receivership, See **Dissolution; Liquidation**
Records
    assessments, 35-1-604
    examination, subject to, 35-1-508, 35-1-513
    required, 35-1-513
    shareholders, certification, 35-1-102
    transfer records, 35-1-604
    voting trust agreement, 35-1-508
Redemption of property on execution, 25-13-801, 25-13-804
Redemption of shares, See **Shares**
Registered agent, See **Agent, registered**
Registered name, See **Name**
Registered office, See **Offices**
Reinstatement, See **Dissolution**
Religious corporations sole, See **RELIGIOUS CORPORATIONS SOLE**
Reorganization
    bulk transfers, exclusion, 30-6-103
    expenses, 35-1-609
    procedure, 35-1-212
Repeal of laws
    effect, 35-1-105
    legislative reservation of power, 35-1-106
    professional service corporations laws, construction, 35-4-106
Reports
    annual
        contents, 35-1-1101
        demand, 35-1-1103
        execution, 35-1-1101
        failure to file, 35-1-1103, 35-6-102
        filing, 35-1-1102, 35-6-102
        form, 35-1-1101
        nonconformance, 35-1-1102
        preexisting corporations, by, 35-1-103
        professional service corporations, 35-4-204
        required, 35-1-1101
    financial statements to shareholder, 35-1-513
    shareholder request, 35-1-513
"Residence" defined, 18-1-103
Rural rehabilitation, See **AGRICULTURE, DEPARTMENT OF, Rural rehabilitation**
Rural utility cooperatives, See **UTILITIES, RURAL COOPERATIVES**
Sales, assets, See **Assets**
School districts, powers as, 20-6-101, 20-9-437
Scrip, 35-1-611
Secretary of state, duties, See **SECRETARY OF STATE**
Seal, 35-1-108
    attestation of action, required, 1-4-205
    share certificates, upon, 35-1-610
Service of process
    business trusts, 35-5-201; Title 25, chapter 20, M.R.Civ.P., Rule 4A
    criminal, 46-6-304

CORPORATIONS (Continued)

Service of process (Continued)
  foreign corporations, 35-1-807, 35-5-201; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  jurisdiction acquired by, Title 25, chapter 20, M.R.Civ.P., Rule 4B
  manner, 35-1-307; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  merger or consolidation, new corporation foreign, 35-1-807
  name by which may be served, 25-5-104
  "person" defined, Title 25, chapter 20, M.R.Civ.P., Rule 4A
  secretary of state, upon, 35-1-807; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  share exchange, new corporation foreign, 35-1-807
Shareholders
  action by, 35-1-110, 35-1-514, 35-1-921; Title 25, chapter 20, M.R.Civ.P., Rule 23.1
  articles of incorporation, information included in, 35-1-202
    amendment, decision upon, 35-1-207 — 35-1-209
    improper provisions, consent, 35-1-515
    reorganization, action not necessary, 35-1-212
  bona fide purchaser, 35-1-510
  bylaws, repeal or change, 35-1-214
  certification, 35-1-102
  consent to action without meeting, 35-1-509
  determination, 35-1-503
  directors
    contributions to, 35-1-409
    not required to be shareholder, 35-1-401
    removal by, 35-1-408
  dissenting, 35-1-807, 35-1-810, See **Dissenters**
  dissolution
    consent to, 35-1-902, 35-1-903
    revocation, 35-1-907, 35-1-908
  examinations by
    records of corporation, 35-1-513
    voting trust agreements, 35-1-508
  executive committee authority, 35-1-407
  financial statements to, 35-1-513
  fractional shares, holders of, 35-1-611
  liability, 35-1-510, 35-1-515
  liquidation
    action for court supervision, 35-1-921
    deposit of proceeds, 35-1-929
  list of, 35-1-513
  meetings, See **Meetings**
  merger, consolidation, or share exchange
    approval, 35-1-803
    plan, copies to, 35-1-805
  notaries public, as, 1-5-417
  preemptive rights, 35-1-206, 35-1-511, 35-1-512
  professional service corporations, See **Professional service corporations**
  records of, 35-1-513
  redemption of property by, 25-13-801, 25-13-804
  rights and options, approval of issuance, 35-1-607
  sale of corporate assets, approval, 35-1-808 — 35-1-810
  secured parties, 35-1-510
  service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  shares, See **Shares**
  stock, See **Shares**
  transfer books, closing to determine, 35-1-503
  voting, See **Meetings**
Shares, See also **SECURITIES AND SECURITIES REGULATION**
  annual reports, See **Reports**
  articles of amendment, information included in, 35-1-209
  articles of incorporation, information included in, 35-1-202
    amendments, 35-1-206 — 35-1-208
    improper provisions, notice on shares, 35-1-515

CORPORATIONS (Continued)

Shares (Continued)
  articles of incorporation (Continued)
    reorganization, 35-1-212
    restated, 35-1-213
  articles of merger, consolidation, or share exchange — information included in, 35-1-804
  assessment, 35-1-604
  attachment, subject to, 27-18-102, 27-18-409 — 27-18-411
  bona fide purchaser, 35-1-510
  cancellation, amendment of articles of incorporation, 35-1-206
  certificates, 35-1-610, 35-1-612
  changes, 35-1-206, 35-1-212, 35-1-612
  classes of shares
    certificate statements, 35-1-610
    change, 35-1-208
    issuance, 35-1-601, 35-1-602
    series, 35-1-602
    voting, 35-1-208, 35-1-506, 35-1-507, 35-1-803, 35-1-809, 35-1-903
  consideration, 35-1-605, 35-1-610
  creation, 35-1-601
  decrease, 35-1-206, 35-1-612
  default, 35-1-603
  defined, 35-1-102
  delinquency, 35-1-604
  dissent, payment upon, 35-1-812
  dissolution, information in statement of revocation, 35-1-908
  distributions from, See **Distributions**
  dividends, See **Dividends**
  enumerated, 35-1-102
  exchange, See **Merger, consolidation, or share exchange**
  executive committee authority, 35-1-407
  foreign corporations, See **FOREIGN CORPORATIONS**
  fractional shares, 35-1-611
  increase, 35-1-206, 35-1-1204
  issuance, 35-1-601, 35-1-605, 35-1-610
  license fees based upon, 35-1-1204
  limitation, 35-1-601
  merger, consolidation, or share exchange
    articles, information included in, 35-1-804
    conversion, 35-1-801
  options, 35-1-607
  own shares, corporation's power, 35-1-612
  payment, 35-1-603, 35-1-604, 35-1-606, 35-1-609
  powers generally, 35-1-108
  preexisting corporations, by, 35-1-103
  preferred shares
    certificate statements, 35-1-610
    change in preference, 35-1-206, 35-1-208, 35-1-212
    directors, determination of preference, 35-1-602, 35-1-610
    issuance, 35-1-601, 35-1-602
    preexisting rights, 35-1-512
    series, 35-1-602
  price, 35-1-605
  professional service corporations, 35-4-211
  proxies, 35-1-506
  purchase of own shares by corporation, 35-1-612
  redemption
    series, effect on, 35-1-602
    subject to, 35-1-601
    voting, effect on, 35-1-506
  reports, See **Reports**
  rights, 35-1-607
  sale, delinquency, 35-1-604

CORPORATIONS (Continued)

Shares (Continued)
  scrip, 35-1-611
  series, issuance in, 35-1-602
  split-up, 35-1-207
  subscription, 35-1-603
  transfer, 35-1-515, 35-1-610, 35-1-617, 35-1-812, 35-4-211
  transfer books, closing, 35-1-503
  uncertificated, 35-1-610, 35-1-611
  unclaimed property, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
  underwriting expenses, 35-1-609
  voting rights, indication on, 35-1-515
Short title, 35-1-101
Small business corporations, See **TAXATION, Corporations**
Special meetings, See **Meetings**
Stated capital, See **Shares**
Statutes applicable, See **Applicability of laws**
Stock, See **Shares**
Stockholders, See **Shareholders**
Subchapter S corporations, See **TAXATION, Corporations**, small business corporations
Subscribers, See **Shareholders**
Summons, See **Service of process**
Sureties, as, See **SURETYSHIP AND SURETIES**
Surety insurance, See **SURETYSHIP AND SURETIES**, generally
Surplus, See **Distributions; Dividends**
Surviving corporation, See **Merger or consolidation**
Taxation, See **TAXATION**
Teachers' retirement system, powers as, 19-4-102
Torts, See **TORTS, Governmental entities**
Trustee
  as, 35-1-108
  court appointed, See **Dissolution**, receiver; **Liquidation**, receiver
Ultra vires acts
  defense, 35-1-110
  involuntary dissolution, grounds for, 35-6-102
  quo warranto, See **WRITS**
  stay of proceedings prohibited, Title 25, chapter 21, M.R.App.Civ.P., Rule 7
Unclaimed property, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
Unfair trade practices, disciplinary action, 30-14-134, 30-14-141
Unlawful acts, See **Offenses**
Utilities, as, See **UTILITIES**
Utilities, rural cooperatives, See **UTILITIES, RURAL COOPERATIVES**
Voluntary dissolution, See **Dissolution**
Voting, See **Meetings**
Waiver, notices, 35-1-111, 35-1-404
War, powers during, 35-1-108

CORPSES

  See also **DEATH**

Anatomical gifts, See **ESTATES AND PROBATE PROCEEDINGS, Anatomical gifts**
Autopsies, See **AUTOPSIES**
Burial, See **CEMETERIES; FUNERALS AND FUNERAL EXPENSES**
Cadavers, procurement, 50-21-101, 50-21-102
Cause of death, report, 44-3-213, 50-21-104
Coroner, See **COUNTY CORONER**
Cremation, See **MAUSOLEUMS AND COLUMBARIUMS**
Criminal investigation, See **FORENSIC SCIENCE**
Criminal offenses, disturbing corpse, 44-3-404
Determination of death, 50-22-101

CORPSES (Continued)

Disinterment permit, 50-15-114, 50-15-407
Disturbing unlawful, 44-3-404
Embalming, See **MORTICIANS AND FUNERAL DIRECTORS**
Forensic Science System Act, effect, See **FORENSIC SCIENCE**, generally
Funeral directors, See **MORTICIANS AND FUNERAL DIRECTORS**
Funerals, See **FUNERALS AND FUNERAL EXPENSES**
Health and Environmental Sciences, Department of — cadavers, authority, 50-21-102
Inquests, See **CRIMINAL PROCEDURE, Inquests**
Medical schools, procurement of cadavers, 50-21-101, 50-21-102
Morticians, See **MORTICIANS AND FUNERAL DIRECTORS**
Organ donation, See **ESTATES AND PROBATE PROCEEDINGS, Anatomical gifts**
Property with or upon person of deceased, disposition, 44-3-402
Suspicious deaths, See **FORENSIC SCIENCE**
Transplants, See **ESTATES AND PROBATE PROCEEDINGS, Anatomical gifts**
Transportation, rulemaking authority, 50-1-202, 50-15-114

CORRECTIONS

Community centers, 46-23-414
"Correctional institution" defined, 45-2-101
Court proceedings, See **CRIMINAL PROCEDURE**
Criminal proceedings, See **CRIMINAL PROCEDURE**
Death penalty, See **DEATH PENALTY**
Division of, fingerprinting and photography by, 44-5-202
Imprisonment, See **CRIMINAL PROCEDURE, Commitment; PRISONERS; PRISONS**
Institutions, Department of, See specific institution or facility
Interstate Corrections Compact, Western, Title 46, chapter 19, part 3, See **CRIMINAL PROCEDURE, Commitment**, another state, to
Jails, See **JAILS, CITY; JAILS, COUNTY**
Judgment, See **CRIMINAL PROCEDURE**
Juvenile correctional facilities, See **YOUTH CORRECTIONAL FACILITIES**
Mountain View School, See **YOUTH CORRECTIONAL FACILITIES**
Pardons, Board of, See **PROBATION, PAROLE, AND CLEMENCY**
Parole, See **PROBATION, PAROLE, AND CLEMENCY**
Parole and Executive Clemency Act, Title 46, chapter 23, parts 1 — 3, 10, See **PROBATION, PAROLE, AND CLEMENCY**, generally
Pine Hills School, See **YOUTH CORRECTIONAL FACILITIES**
Prisoners, See **PRISONERS**
Prisons, See **PRISONS**
Probation, See **PROBATION, PAROLE, AND CLEMENCY**
Residential care, per diem charges, 53-1-501
Sentencing, See **SENTENCING**
State prison, See **PRISON, STATE**
Swan River Youth Forest Camp, See **YOUTH CORRECTIONAL FACILITIES**
Western Interstate Corrections Compact, Title 46, chapter 19, part 3, See **CRIMINAL PROCEDURE, Commitment**, another state, to
Youth facilities, See **YOUTH CORRECTIONAL FACILITIES**
Youthful offenders, See **YOUTH CORRECTIONAL FACILITIES; YOUTH COURT**, generally

CORRECTIONS COMPACT, WESTERN INTERSTATE, Title 46, chapter 19, part 3

See **CRIMINAL PROCEDURE, Commitment**

CORRECTIONS, DIVISION OF

See **CORRECTIONS**

CORRESPONDENCE SCHOOLS

See **POSTSECONDARY EDUCATIONAL INSTITUTIONS**, generally

CORRUPT INFLUENCE

See **CRIMES, Public officers and employees**

COSMETICS

Actions — publication of judgments, decrees, and orders, 50-31-105
Additives
  agricultural chemicals, 50-31-110
  defined, 50-31-103
  labeling, 50-31-402
  rulemaking authority, 50-31-108, 50-31-109
  unsafe, 50-31-401
  use, 50-31-109, 50-31-401
Adulterated articles, 50-31-401
  additives, as adulteration when, 50-31-109
  defined, 50-31-401
  detainer, 50-31-509
  guaranty against, 50-31-507
  undertaking against, 50-31-507
  unlawful, 50-31-501
Advertising
  defined, 50-31-103
  false or misleading
    defined, 50-31-107
    liability, 50-31-507
    presumption, 50-31-107
    unlawful, 50-31-501
Applicability of laws, 50-31-102
  federal laws, 50-31-103, 50-31-108, 50-31-401, 50-31-402, 50-31-501
  soap, exclusion, 50-31-103
Carriers, inspection, 50-31-106
Citation of Food, Drug, and Cosmetic Act, 50-31-101
Color additives, 50-31-401, 50-31-402, See **Additives**
Containers
  hazardous substance, reuse for, 50-30-202, 50-30-301
  misleading, 50-31-402
Contaminated articles, 50-31-401
Criminal charges, See **Unlawful practices**
Damages for embargo or detainer of an article, 50-31-509
Definitions, 50-31-103
Destruction of adulterated or misbranded article, 50-31-509
Detainer of adulterated or misbranded articles, 50-31-509
  removal or disposal of article unlawful, 50-31-501, 50-31-509
Disposal agreements when adulterated or misbranded, 50-31-509
Embargo of adulterated or misbranded articles, 50-31-501, 50-31-509
Eyebrow dyes, 50-31-403, 50-31-404
Eyelash dyes, 50-31-403, 50-31-404
Factories, inspection, 50-31-106
False advertising, See **Advertising**
Federal laws
  adoption by reference, 50-31-104
  applicability, 50-31-103, 50-31-108, 50-31-401, 50-31-402, 50-31-501
  defined, 50-31-103
Food, Drug, and Cosmetic Act, Title 50, chapter 31, See this main category generally; See also **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES; FOOD AND FOOD PRODUCTS**
Guaranty against adulteration or misbranding, 50-31-501, 50-31-507
Hair dyes
  exceptions, 50-31-401, 50-31-403
  exclusion, 50-31-404
  labeling, 50-31-403
Health and Environmental Sciences, Board of — trade secrets, disclosure to, 50-31-501

COSMETICS (Continued)

Health and Environmental Sciences, Department of
  additives, rulemaking authority, 50-31-108
  detainer or embargo by, 50-31-509
  federal laws, adoption by reference, 50-31-104
  health information, publication, 50-31-105
  injunction by, 50-31-508
  inspections by, 50-31-106
  investigations, publication of information, 50-31-105
  publication of information by, 50-31-105
  rulemaking authority, 50-31-104, 50-31-108
  samples, examination, 50-31-106
  trade secrets, disclosure to, 50-31-501
  unlawful practices
    detainer or embargo, 50-31-509
    due process, 50-31-504
    injunction, 50-31-508
    warning, 50-31-503
  warning notice upon violations, 50-31-503
Health information, publication, 50-31-105
Injunction of unlawful practices, 50-31-508
Inspections
  authorization, 50-31-106
  refusal to permit, 50-31-501
Investigations, publication of results, 50-31-105
Judgments, publication, 50-31-105
Jurisdiction of courts, 50-31-509
Labeling, See also **Misbranded articles**
  alteration, 50-31-501
  compliance with requirements, 50-31-111
  contents, 50-31-402
  correction, 50-31-509
  defined, 50-31-103
  forgery or counterfeiting, 50-31-501
  hair dyes, 50-31-403
  misleading, 50-31-107, 50-31-402
  noncompliance, 50-31-501
  requirements, 50-31-111
Misbranded articles, 50-31-402, See also **Labeling**
  defined, 50-31-402
  detainer, 50-31-509
  guaranty or undertaking against, 50-31-501, 50-31-507
  unlawful, 50-31-501
Offenses, See **Unlawful practices**
Penalties, See **Unlawful practices**
Prohibited acts, See **Unlawful practices**
Publication of information by Department of Health and Environmental Sciences, 50-31-105
Rulemaking authority, 50-31-104
  additives, 50-31-108
Short title, 50-31-101
Soap, exclusion, 50-31-103
Trade secrets, disclosure to board or department of health and environmental sciences, 50-31-501
Undertaking against adulterated or misbranded articles, 50-31-501, 50-31-507
Unlawful practices
  adulteration of articles, 50-31-501, 50-31-509
  detainer or embargo, 50-31-509
    removal of article, 50-31-501
  disposal agreements, 50-31-509
  enumerated, 50-31-501
  false advertising, 50-31-501, 50-31-507
  guaranty, false, 50-31-501, 50-31-507

COSMETICS (Continued)

Unlawful practices (Continued)
  hearing, 50-31-504
  injunction to restrain, 50-31-508
  inspections, refusal, 50-31-501
  label — false, adulteration, or destruction, 50-31-501, 50-31-509
  minor violations, prosecution not required, 50-31-503
  misbranding of articles, 50-31-501, 50-31-509
  notice, 50-31-503, 50-31-504
  penalties, 50-31-506, 50-31-507
  prosecution, 50-31-503, 50-31-505
  trademark, falsification, 50-31-501
  trade secrets, disclosure, 50-31-501
  undertaking, false, 50-31-501, 50-31-507
  warning, 50-31-503
Violations, See **Unlawful practices**
Warehouses, inspection, 50-31-106
Warning notice upon violations, 50-31-503

COSMETOLOGISTS, BOARD OF

  See **COSMETOLOGY AND COSMETOLOGISTS**

COSMETOLOGY AND COSMETOLOGISTS

Alcohol abuse, 37-31-331
Apprenticeships, rules for regulation and instruction, 37-31-203
Board of Cosmetologists
  allocation, 2-15-1857
  appeals from actions by, 37-31-333
  compensation of members, 37-31-202
  composition, 2-15-1857
  defined, 37-31-101
  electrologists, duties concerning, See **ELECTROLOGY AND ELECTROLOGISTS**
  expenses of members, 37-31-202
  fees set by, 37-31-312, 37-31-322, 37-31-323
  funding, 37-31-324
  hearings, 37-31-331
  injunction by, when, 37-31-334
  inspections by, 37-31-312
  licenses
    application forms, 37-31-303
    certificate of registration
      application forms, 37-31-311
      issuance, 37-31-321
    examinations
      prescribed by, 37-31-303
      time and place, 37-31-308
    fees, 37-31-322, 37-31-323
    issuance, 37-31-321
    refusal, revocation, or suspension, 37-31-331, 37-31-332
    renewal, 37-31-322
    temporary licenses or permits, authorization, 37-31-307, 37-31-312
  officers, 37-31-201
  public representation on, 2-15-1857
  rules, 37-31-203, 37-31-204, 37-31-311, 37-31-322, 37-31-323
  sanitary rules, 37-31-204, 37-31-331
  schools, requirements, 37-31-311
  seal, 37-31-201
  teachers, rules concerning, 37-31-311
  termination, 2-8-103
  term of office, 2-15-1857
  violations, proceedings for relief from, 37-31-334

COSMETOLOGY AND COSMETOLOGISTS (Continued)

Certificates of registration, See **Licenses and licensing**
Commerce, Department of
  defined, 37-31-101
  earmarked revenue fund, 37-31-324
  fees paid to, 37-31-323, 37-31-324
  health certificate forms, 37-31-304
  inspectors, appointment, 37-31-312
  licenses
    applications filed with, 37-31-304
    certificates of registration
      applications, 37-31-302, 37-31-311
      issuance, 37-31-321
    examinations
      fee, 37-31-304
      given by, 37-31-303, 37-31-308
    expiration notices, 37-31-322
    fees paid to, 37-31-323, 37-31-324
    health certificate forms, 37-31-304
    issuance, 37-31-321
    temporary licenses or permits, granting, 37-31-307, 37-31-312
  schools, certificate of registration, 37-31-311
  shops, application for certificate of registration and license, 37-31-302
Communicable diseases, 37-31-331, 37-31-332
Continuing education, 37-31-322
Cosmetological establishments, See **Shops**
Definitions, 37-31-101
Drug abuse, 37-31-331
Exemptions from provisions, 37-31-102, 37-31-308
Fees, See **Licenses and licensing**
Handicapped persons, exemption for, 37-31-308
Health and Environmental Sciences, Department of — approval of sanitary rules, 37-31-204, 37-31-331
Health certificates required when, 37-31-304, 37-31-332
Injunction when, 37-31-334
Inspections, 37-31-302, 37-31-312
Inspectors, 37-31-312
Itinerant cosmetologists, 37-31-101
Licenses and licensing
  appeals concerning, 37-31-333
  applications, 37-31-302 — 37-31-304, 37-31-311
  cancellation when, 37-31-332
  certificate of registration
    application for, 37-31-302, 37-31-311
    duplicate, 37-31-323
    issuance, 37-31-321
    renewal, 37-31-322
    required, 37-31-302, 37-31-304, 37-31-311
    rules for, 37-31-203
  continuing education requirements, 37-31-322
  discrimination in issuance prohibited, 49-3-204
  display, failure to, 37-31-331
  examinations, 37-31-303, 37-31-308, 37-31-321
    eligibility to take, 37-31-304
    rules for, 37-31-203
    teachers, 37-31-305
    temporary license pending, 37-31-307
  exemptions, 37-31-308
  expiration, 37-31-322
  fees, 37-31-302, 37-31-304, 37-31-307, 37-31-312, 37-31-322 — 37-31-324
  handicapped persons, 37-31-308
  health certificate required, 37-31-304, 37-31-332
  inspection fee required, 37-31-302, 37-31-312

COSMETOLOGY AND COSMETOLOGISTS (Continued)

Licenses and licensing (Continued)
  issuance, 37-31-321
    discrimination prohibited, 49-3-204
  itinerant, 37-31-323
  lack of, unlawful, 37-31-301
  local fees prohibited, 37-31-323
  manager-operator
    reciprocity, 37-31-306
    required, 37-31-302
    rules for, 37-31-203
  misuse, 37-31-331
  nonresidents, 37-31-306
  physician's certificate required when, 37-31-304, 37-31-332
  qualifications, 37-31-304, 37-31-305
    rules for, 37-31-203
  reciprocity, 37-31-306
  refusal, revocation, or suspension, 37-31-311, 37-31-312, 37-31-331, 37-31-332
  renewal, 37-31-303, 37-31-322
  required, 37-31-302, 37-31-304
  schools, requirements, 37-31-311
  shops, applications for, 37-31-302
  teachers
    applications, 37-31-303
    examinations, 37-31-308
    qualifications, 37-31-305
    renewal, requirements, 37-31-322
  temporary licenses or permits, 37-31-307, 37-31-312
Malpractice, 37-31-331
Noncompliance with provisions, 37-31-331
Nonresidents, 37-31-306
Physically handicapped persons, exemption for, 37-31-308
Practice and teaching of cosmetology
  barbering, practice of — applicability of provisions, 37-30-101, 37-31-102
  communicable disease, practice by person having, 37-31-331
  defined, 37-31-101
  nonresidents, 37-31-306
  teachers and student teachers, not allowed when, 37-31-311
  unlawful when, 37-31-301, 37-31-302
Practitioners, licensing, See **Licenses and licensing**, generally
Prohibited acts, See **Unlawful practices**
Sanitary conditions, rules for, 37-31-204, 37-31-331
Schools
  bond requirements, 37-31-311
  certificate of registration required, See **Licenses and licensing**
  conduct of, rules for, 37-31-203, 37-31-311
  inspections, 37-31-312
  licensing, See **Licenses and licensing**
  requirements, 37-31-311
  sanitary rules, noncompliance, 37-31-331
  shop operated in connection with, prohibited, 37-31-311
  students, regulation and instruction, 37-31-203
  unlawful practices, 37-31-301
Shops
  "cosmetological establishment" defined, 37-31-101
  discriminatory practices prohibited, See **DISCRIMINATION**, generally
  fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
  inspections, 37-31-312
  licensing, See **Licenses and licensing**, generally
  sanitary rules, noncompliance, 37-31-331
  schools, operation in connection with — prohibited, 37-31-311
  unlawful practices, 37-31-301

COSMETOLOGY AND COSMETOLOGISTS (Continued)

Social and Rehabilitation Services, Department of — training by, 37-31-308
Students, See **Schools**
Teachers
  continuing education requirements, 37-31-322
  licensing, See **Licenses and licensing**
  practice not allowed when, 37-31-311
  student teachers, 37-31-311
  training, curriculum, 37-31-311
  unlawful practices, 37-31-301, 37-31-302
Teaching of, See **Practice and teaching of cosmetology; Teachers**
Unlawful practices, 37-31-301
  injunction when, 37-31-334
  penalty, 37-31-334

COSTS

See **CIVIL PROCEDURE; CRIMINAL PROCEDURE, Fees and costs**

COUNCIL-EXECUTIVE GOVERNMENT

See **LOCAL GOVERNMENT, Commission-executive form**

COUNCIL-MANAGER GOVERNMENT

See **LOCAL GOVERNMENT, Commission-manager form**

COUNCIL-MAYOR GOVERNMENT

See **LOCAL GOVERNMENT, Commission-executive form**

COUNCIL OF STATE GOVERNMENTS

See **INTERSTATE COOPERATION**

COUNSEL

See **ATTORNEYS AT LAW**

COUNTERCLAIM

See **CIVIL PROCEDURE**

COUNTERFEITING

See **FORGERY AND COUNTERFEITING**

COUNTIES

See also **LOCAL GOVERNMENT**

Abandoned horses, See **LIVESTOCK, Roundup of abandoned horses**
Abandonment and consolidation
  bonds, Title 7, chapter 2, part 27
  claims and demands, Title 7, chapter 2, part 27
  contracts, status, Title 7, chapter 2, part 27
  effect, Title 7, chapter 2, part 27
  election, Title 7, chapter 2, part 27
  funds, Title 7, chapter 2, part 27
  indebtedness, Title 7, chapter 2, part 27

COUNTIES (Continued)

Abandonment and consolidation (Continued)
  moneys, disposition, Title 7, chapter 2, part 27
  petition, Title 7, chapter 2, part 27
  property, Title 7, chapter 2, part 27
  records, disposition, Title 7, chapter 2, part 27
  tax levies, Title 7, chapter 2, part 27
  townships, disposition, Title 7, chapter 2, part 27
Actions involving, See also **CIVIL PROCEDURE, Governmental entities, actions involving**
  change of venue, costs, 25-2-205
  costs, 25-2-205, 25-10-703
  execution, 25-13-205, 25-31-1111
  judgment, 25-13-205, 25-31-1111
  statute of limitations, 27-2-209
  venue, 25-2-106, 25-2-205
  witnesses, advance payment not required, 26-2-508 — 26-2-510
Advertising, legal, See **PRINTING, County**
Agricultural services, Title 7, chapter 21, part 32
Aircraft, registration, 67-3-201
Alcoholic beverage provisions, See **ALCOHOLIC BEVERAGES**
Alcoholism treatment, tax revenue for, 16-1-404, 16-1-408, 16-1-411
Alteration of boundaries, See **Boundaries**
Alternative forms of government, See **Government — optional forms**
Architects, imposition of license fee or tax prohibited, 37-65-203
Ash collection districts, See **Garbage and ash collection districts**
Assessor, See **COUNTY ASSESSOR**
Attorney, See **COUNTY ATTORNEY**
Auditor, See **COUNTY AUDITOR**
Automobile graveyards, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES**
Beaver dam removal, 87-1-224
Bicycle trails, establishment, See **BICYCLES, Footpaths and bicycle trails**
Boards
  canvassers, board of county, See **ELECTIONS, Canvassing of votes**
  county commissioners, See **COUNTY COMMISSIONERS, BOARD OF**
  health, See **HEALTH, LOCAL BOARDS AND DEPARTMENTS**
  park commissioners, See **PARKS, County Board of Park Commissioners**
  recount, See **ELECTIONS, Recounts**
Bond issues, See **BOND ISSUES, PUBLIC**, generally
Bonds, See **COUNTY FINANCE**
Boundaries
  alterations, Title 7, chapter 2, part 21
  election precincts, See **Elections**
  name change of county, effect, Title 7, chapter 2, part 25
  new counties
    description in session laws, 5-11-207
    location, See **New, creation by petition**
Bridges, See **COUNTY ROADS AND BRIDGES**; See also **BRIDGES**
Budgets, See **COUNTY FINANCE**
Building codes, See **BUILDINGS AND BUILDING REGULATIONS**
Buildings, Title 7, chapter 8, part 21
Canvassers, Board of County, See **ELECTIONS, Canvassing of votes**
Cemeteries, See **CEMETERIES**
Cemetery districts, See **CEMETERY DISTRICTS**
Cesspool, septic tank, and privy cleaners — applicability of provisions regarding, 37-41-102
Child support proceedings, county to initiate when, 40-5-109
Civic centers, See **RECREATION, Counties**
Civil defense, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Claims against, See **COUNTY FINANCE**
Classification, Title 7, chapter 1, part 21
Clerk and recorder, See **COUNTY CLERK AND RECORDER**

COUNTIES (Continued)

Commissioners, See **COUNTY COMMISSIONERS, BOARD OF; PARKS, County Board of Park Commissioners**
Communication facilities, underground conversion, See **UTILITIES, Underground conversion**
Conciliation court established when, 40-3-104
Conservancy districts, 85-9-102, See **WATER CONSERVANCY DISTRICTS**
Conservation districts, See **CONSERVATION DISTRICTS**
Consolidation, See **Abandonment and consolidation**; See also **CITY-COUNTY CONSOLIDATION — OPTION ONE; CITY-COUNTY CONSOLIDATION — OPTION TWO**
Constables, See **CONSTABLES**
Construction contracts, See **Contracts**, generally
Contracts, Title 7, chapter 5, part 23
Coordinate system, designation of counties comprising zones, 70-22-201
Coroner, See **COUNTY CORONER**
County agents, mileage allowance, 2-18-503
County high schools, See **SCHOOLS**
County seats
  jury lists, meetings to compile held at, 3-15-401
  justice's court to be located in, when, 3-10-101
  new counties, determination, See **New, creation by petition**
  qualifications to be, Title 7, chapter 2, part 21
  railroad facilities, location, 69-14-202
  removal, Title 7, chapter 2, part 26
  temporary, See **New, creation by petition**
Courts, See **DISTRICT COURTS; JUSTICES' COURTS; SMALL CLAIMS COURT — DISTRICT COURT; SMALL CLAIMS COURT — JUSTICES' COURTS; WATER COURTS**
Creation of new counties, See **New, creation by legislation; New, creation by petition**
Curfew for minors in unincorporated cities and towns, 7-32-2302
Dances and dance halls, See **PUBLIC DANCES AND DANCE HALLS**
Defined, Title 7, chapter 1, part 21
Delinquent children, See **Minors**
Designation, See **Classification; Name**
Destruction of property by minor, liability of parent, 40-6-237, 40-6-238
Detention facilities
  maintenance by, 41-5-802
  support of youth committed to, 41-5-803
Development, See **PLANNING BOARDS**, generally
Development districts, See **ZONING, Planning and zoning districts**
Disasters, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
District boards of health, See **HEALTH, LOCAL BOARDS AND DEPARTMENTS; HEALTH OFFICERS, LOCAL**
District courts, See **DISTRICT COURTS**
Districts
  ash collection, See **Garbage and ash collection districts**
  cemetery, See **CEMETERY DISTRICTS**
  division into, 7-5-2103
  fair, See **FAIRS, County districts**
  garbage collection, See **Garbage and ash collection districts**
  hospital, See **HOSPITAL DISTRICTS**
  mosquito control, See **MOSQUITO CONTROL DISTRICTS**
  refuse disposal, See **REFUSE DISPOSAL DISTRICTS**
  road, creation, Title 7, chapter 2, part 22
  rural improvement, See **RURAL IMPROVEMENT DISTRICTS**
  school, See **SCHOOL DISTRICTS**
  sewer, See **METROPOLITAN SANITARY AND/OR STORM SEWER DISTRICTS**
  television, See **TELEVISION DISTRICTS**
  township, creation, Title 7, chapter 2, part 22

COUNTIES (Continued)

Districts (Continued)
  transportation, See **TRANSPORTATION — URBAN DISTRICTS**
  weed control, See **WEEDS AND WEED CONTROL**
Dog control, See **DOGS**
Dutch elm disease control, See **LOCAL GOVERNMENT**
Election administrator, See **COUNTY ELECTION ADMINISTRATOR**
Elections
  abandonment, See **Abandonment and consolidation**
  bond, See **BOND ISSUES, PUBLIC, County general obligation bonds**
  canvassers, board of, See **ELECTIONS, Canvassing of votes**
  cost, 13-1-302, 13-2-117, 13-16-205, 13-17-104
  county seat, removal, See **County seats**
  date, 13-1-104
  deputy registrars, 13-2-102
  initiative and referendum, See **Initiative and referendum**
  loans, required when, See **COUNTY FINANCE, Loans**
  new counties
    county seats, location, See **New, creation by legislation**
    to establish, See **New, creation by petition**
  optional form of government, See **Government — optional forms**
  precincts, boundaries, Title 7, chapter 2, part 22
  recount board, See **ELECTIONS, Recounts**
  tie vote, 13-16-505, 13-16-506
  voting machines, provision, 13-17-104
  water and/or sewer districts, See **COUNTY WATER AND/OR SEWER DISTRICTS**
Electric facilities, underground conversion, See **UTILITIES, Underground conversion**
Emergencies, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Eminent domain, See **EMINENT DOMAIN**
Employees, See also **PUBLIC EMPLOYEES**
  attendance at meetings and conventions, 7-5-2145
  employment, 7-5-2107
  group life insurance, See **INSURANCE — LIFE, Group life; Groups and group requirements**, public employees
  hours, 7-5-2108
Engineer, See **ENGINEERS AND LAND SURVEYORS, County engineer**
Equalization payments, See **STATE LANDS**
Equipment, Title 7, chapter 8, part 21
  purchase contracts, See **Contracts**, generally
Establishment, See **New, creation by legislation; New, creation by petition**
Fair commission, See **FAIRS, County commission**
Fair Practices, Code of, Title 49, chapter 3, See **DISCRIMINATION, Government, state and local**
Fairs, See **FAIRS, County fairs**
Farmers markets, See **PUBLIC MARKETS**
Federal lands within, jurisdiction, 2-1-202
Federal waterfowl and wildlife area acquisition proposals, review and hearings, 87-1-713, 87-1-714
Ferries, See **FERRIES AND WHARVES**
Financial administration, See **COUNTY FINANCE**
Fish and game violations, payment of prosecution cost bills, 87-1-104, 87-1-601
Fish, wildlife, and parks — department owned land, payments in lieu of taxes, 87-1-603
Flathead county migratory bird reserve, 87-1-705, 87-1-706
Flood Control Act, federal — moneys from, 17-3-231, 17-3-232
Footpaths, establishment, See **BICYCLES, Footpaths and bicycle trails**
Forest reserve moneys, federal — apportionment, 17-3-211 — 17-3-214
Forests and protection thereof, See **FORESTS AND FORESTRY**
Form of government, See **Government — optional forms**
Funds, See **COUNTY FINANCE; COUNTY TREASURER**, specific fund
Gambling, licensing and regulatory authority, 23-5-142, 23-5-321, 23-5-322, 23-5-421, 23-5-422
Garbage and ash collection districts, Title 7, chapter 13, part 24
Government, conduct of, See **COUNTY COMMISSIONERS, BOARD OF**, generally

COUNTIES (Continued)

Government — optional forms
  adoption, Title 7, chapter 3, part 21
  authorization, 7-3-2101
  board of county commissioners, Title 7, chapter 3, part 21
  discontinuance, 7-3-2106, 7-3-2107
  effective date, 7-3-2105, 7-3-2107
  election, Title 7, chapter 3, part 21
  forms
    county commissioner, 7-3-2132
      statutory basis for, 7-3-111
    elected county executive, 7-3-2134
    elected county official, 7-3-2131
    enumeration, 7-3-2102
    manager, 7-3-2133
      statutory basis for, 7-3-112
  officers and employees, Title 7, chapter 3, part 21
  selection procedure, 7-3-2103
Graveyards for motor vehicles, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES**
Grazing Act, Taylor — moneys from, 17-3-221, 17-3-222
Grazing districts within, See **GRAZING DISTRICTS**, generally
Health boards and officers, See **HEALTH, LOCAL BOARDS AND DEPARTMENTS; HEALTH OFFICERS, LOCAL**
Health care facilities, application for federal funds, 50-5-411
Herd districts in, See **HERD DISTRICTS**
High school boundary commission, See **SCHOOL DISTRICTS**
High schools, See **SCHOOLS, County high schools**
Highways
  coal impact areas, reconstruction in, 90-6-210
  contracts regarding, 60-2-201
  cooperation concerning, 60-1-102
  county roads as, See **COUNTY ROADS AND BRIDGES**
  funds for, See **HIGHWAYS, State funds**, generally
Highways, Department of — contracts with, 60-2-201
Highway traffic safety program, See **TRAFFIC REGULATIONS, Safety program**
Horses
  abandoned, See **LIVESTOCK, Roundup of abandoned horses**
  herd districts, See **HERD DISTRICTS, Horse herd districts**
Hospital districts, See **HOSPITAL DISTRICTS**
Hospitals, See **HOSPITALS AND RELATED FACILITIES, County financing; County operation**
Housing authorities, See **HOUSING AUTHORITIES — COUNTY**
Indebtedness, See **COUNTY FINANCE**
Initiative and referendum, See also **BALLOT ISSUES**
  alcoholic beverages sale or consumption, local option for, 16-1-205
  small claims court, creation and abolishment, 3-12-103, 3-12-104
Insect pest control, See **INSECTS AND INSECT CONTROL; MOSQUITO CONTROL DISTRICTS**
Jails, See **JAILS, COUNTY**
Juries and jurors, See **JURIES AND JURORS**
Justices' courts, See **JUSTICES' COURTS; SMALL CLAIMS COURT — JUSTICES' COURTS**
Juveniles, See **Minors**
Lake county, national bison range established, 87-1-711, 87-1-712
Land
  advisory boards, See **Land advisory boards**
  alternative management, Title 7, chapter 8, part 25
  classification, Title 7, chapter 8, part 25
  eminent domain, See **EMINENT DOMAIN**
  exchanges with state, See **STATE LANDS, Exchange**
  tax-deed, See **Tax-deed lands**
Land advisory boards, Title 7, chapter 8, part 27

COUNTIES (Continued)

Land planning funds
    coal tax revenues, 90-6-201
    distribution, 90-1-108
Landscape architects, business licenses, 37-66-303
Legal advertising, See **PRINTING, County**
Lewis and Clark, building or land purchased or leased by state, 18-2-105
Liability, See **TORTS, Governmental entities**
Libraries, See **LIBRARIES**, generally
Licenses
    architects, fee or tax prohibited, 37-65-203
    general provisions, Title 7, chapter 21, part 21
    landscape architects, 37-66-303
    miscellaneous, Title 7, chapter 21, part 22
Livestock
    assessment for beef research, reimbursement for handling, 81-8-804
    diseased, indemnity payments for slaughter, See **LIVESTOCK, Slaughter of diseased animals**
    inspectors, See **Stock inspectors**
    protective associations, See **LIVESTOCK PROTECTIVE ASSOCIATIONS**
Lobbying and lobbyists, See **LOBBYING AND LOBBYISTS**
Machinery, See **Equipment**
Markets, See **PUBLIC MARKETS**
Marriage license requirements, 40-1-201
Medical examiner
    county, See **COUNTY CORONER**
    state, fees chargeable to, 44-3-204
Metropolitan sanitary and/or storm sewer districts, See **METROPOLITAN SANITARY AND/OR STORM SEWER DISTRICTS**
Minors
    abused, neglected, and dependent, support payments by county, 41-3-104, 41-3-105
    curfew, 7-32-2302
    delinquent, See **Youth court**
    detention facilities, See **Detention facilities**
    property, destruction by — liability of parent, 40-6-237
        recovery, limitation on amount, 40-6-238
    youth court, See **Youth court**
Mosquito control districts, See **MOSQUITO CONTROL DISTRICTS**
Motor vehicles
    emergency, See **MOTOR VEHICLE EQUIPMENT, Authorized emergency vehicles; TRAFFIC REGULATIONS, Authorized emergency vehicles**
    graveyards, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES**
    license plates, See **MOTOR VEHICLE LICENSE PLATES, Tax-exempt vehicles**
    purchase contracts, See **Contracts**, generally
Museums, Title 7, chapter 16, part 22
    fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
    smoking in, prohibited, 50-40-105
Name
    change, Title 7, chapter 2, part 25
    designation, 61-3-332; Title 7, chapter 1, part 21
National forest lands, See **FORESTS AND FORESTRY, National forests**
Nature, Title 7, chapter 1, part 21
New, creation by legislation
    county clerk, appointment and role, Title 7, chapter 2, part 23
    county commissioners, board of — meeting and organization, Title 7, chapter 2, part 23
    county seat, location, Title 7, chapter 2, part 23
    election for county seat, Title 7, chapter 2, part 23
    laws generally, applicability, Title 7, chapter 2, part 23
    officers, Title 7, chapter 2, part 23
New, creation by petition
    assessed valuation, Title 7, chapter 2, part 22

COUNTIES (Continued)

New, creation by petition (Continued)
  assets, apportionment, Title 7, chapter 2, part 21
  authorization, Title 7, chapter 2, part 22
  board of commissioners, Title 7, chapter 2, part 22
  boundary locations, Title 7, chapter 2, part 22
  commission, appointment and duties, Title 7, chapter 2, part 22
  county seat, determination, Title 7, chapter 2, part 22
  court files and actions, transfer, Title 7, chapter 2, part 22
  districts, division into, Title 7, chapter 2, part 22
  elections, Title 7, chapter 2, part 22
  funds, transfers to, Title 7, chapter 2, part 22
  indebtedness, adjustment, Title 7, chapter 2, part 22
  judicial district, designation, Title 7, chapter 2, part 22
  liabilities, apportionment, Title 7, chapter 2, part 21
  limitations, Title 7, chapter 2, part 22
  notices, publication, Title 7, chapter 2, part 22
  officers, Title 7, chapter 2, part 22
  offices and supplies, Title 7, chapter 2, part 22
  petition, Title 7, chapter 2, part 22
  records, transfer and transcription, Title 7, chapter 2, part 22
  taxes, assessment and collection, Title 7, chapter 2, part 22
  temporary county seat, Title 7, chapter 2, part 22
New, generally
  court actions and records, transfer, Title 7, chapter 2, part 24
  jury lists, Title 7, chapter 2, part 24
  records, transfer and transcription, Title 7, chapter 2, part 24
Numbers designating, 61-3-332
Nursing homes, See **HOSPITALS AND RELATED FACILITIES**; **County financing**; **County operation**; **NURSING HOMES**
Officers, See **COUNTY OFFICERS**; See also specific officer
Offices
  child support, scale of suggested minimum contributions furnished to, 40-5-214
  consolidation, Title 7, chapter 4, part 23
  execution, exemption, 25-13-613
  hours, 7-4-102, 7-4-2211
  location, 7-4-2211
  new counties, See **New, creation by petition**
Oil and gas operations, lease of land for, See **OIL AND GAS, Public lands**
Open meeting provisions, See **OPEN MEETINGS**
Ordinances for alcoholic beverage sales and consumption, option to prohibit, 16-1-205
Park Commissioners, Board of, See **PARKS, County Board of Park Commissioners**
Parks, See **PARKS, County parks**
Park superintendent, See **PARKS, County park superintendent**
Personnel, See **Employees**
Pipeline construction, reimbursement for road damage, 69-13-103
Planning and zoning commission, See **ZONING**
Planning boards, See **PLANNING BOARDS**
Plats, vacation, See **Vacation of plats**
Police officers' retirement, See **POLICE OFFICERS' RETIREMENT SYSTEM — LOCAL FUNDS; POLICE OFFICERS' RETIREMENT SYSTEM — STATE PLAN**
Powers, Title 7, chapter 1, part 21
Predator control programs, See **PREDATORS AND PREDATOR CONTROL**
Preserves for wildlife, See **FISH AND WILDLIFE, Preserves and refuges**
Printing, See **PRINTING, County**
Prisons, See **JAILS, COUNTY**
Probation officers, salary and expenses paid by, 41-5-704
Property
  acquisition, transfer, and management, 70-1-204; Title 7, chapter 8, part 22
  destruction by minors, 40-6-237, 40-6-238
  eminent domain, 70-30-102, See **EMINENT DOMAIN**
Public Cemetery District Act, Title 7, chapter 35, part 21, See **CEMETERY DISTRICTS**

COUNTIES (Continued)

Public dances and dance halls, See **PUBLIC DANCES AND DANCE HALLS**
Public defender, See **PUBLIC DEFENDER**
Public markets, See **PUBLIC MARKETS**
Public scales, See **PUBLIC SCALES**
Public weigher, See **PUBLIC SCALES, Weigher**
Purchasing contracts, See **Contracts**, generally
Railroad facilities, location, 69-14-202
Recorder, See **COUNTY CLERK AND RECORDER**
Records
  abandoned counties, See **Abandonment and consolidation**
  name change, effect, Title 7, chapter 2, part 25
  new counties, See **New, creation by petition; New, generally**
  officers, See **COUNTY OFFICERS**
Recount Board, County, See **ELECTIONS, Recounts**
Recreational facilities, See **RECREATION, Counties**
Referendum, See **Initiative and referendum**
Refuges for wildlife, See **FISH AND WILDLIFE, Preserves and refuges**
Refuse disposal districts, See **REFUSE DISPOSAL DISTRICTS**
Registrar, See **COUNTY ELECTION ADMINISTRATOR**
Resolutions, Title 7, chapter 5, part 22
Retirement systems affecting, See specific system
Road districts, See **Districts**
Road machinery, purchase contracts, See **Contracts**, generally
Roads, See **COUNTY ROADS AND BRIDGES**
Road superintendent, See **COUNTY ROADS AND BRIDGES, Superintendent**
Road supervisor, See **COUNTY ROADS AND BRIDGES, Supervisor**
Rodent control districts, See **RODENTS AND RODENT CONTROL**
Rural improvement districts, See **RURAL IMPROVEMENT DISTRICTS**
Sanders county, national bison range established, 87-1-711, 87-1-712
Scales, public, See **PUBLIC SCALES**
School districts, division into, See **SCHOOL DISTRICTS, High school districts**
Schools
  buildings or land leased from, 20-6-625
  county, See **SCHOOLS, County high schools**
School trustees, See **SCHOOL TRUSTEES**
Seat of, See **County seats**
Sewer systems, See **COUNTY WATER AND/OR SEWER DISTRICTS; METROPOLITAN SANITARY AND/OR STORM SEWER DISTRICTS**
Sheriff, See **COUNTY SHERIFF**
Sheriffs' retirement system contributions, 19-7-404
Small claims court, establishment by, 3-12-103 — 3-12-105, See also **SMALL CLAIMS COURT — DISTRICT COURT**, generally
Soil conservation districts, See **CONSERVATION DISTRICTS**
Soil survey and mapping program, See **SOIL SURVEYS**, generally
Solid waste management, See **SOLID WASTE MANAGEMENT**
Special education transportation reimbursement, 20-7-442, 20-7-443
Special improvement districts, See **RURAL IMPROVEMENT DISTRICTS**
State lands within, See **STATE LANDS, Equalization payments; Exchange**
Stock inspectors, Title 7, chapter 21, part 32
Superintendent of Schools, See **COUNTY SUPERINTENDENT OF SCHOOLS**
Surveyor, See **COUNTY SURVEYOR**
Taxable valuation, classification from, See **Classification**
Tax Appeal Board, See **COUNTY TAX APPEAL BOARD**
Taxation, See **COUNTY FINANCE**
Tax-deed lands
  acquisition, 70-1-204, See **TAXATION, Tax sales**, county as purchaser
  county forests created from, 7-8-2602, 7-8-2603
  exchange, Title 7, chapter 8, part 24
  oil and gas interests, lease, 82-10-201, 82-10-204
  sales, Title 7, chapter 8, part 23
  timber land, exchanges for, 7-8-2603
Taylor Grazing Act, moneys from, 17-3-221, 17-3-222

COUNTIES (Continued)

Television districts, See **TELEVISION DISTRICTS**
Tools, See **Equipment**
Torts, See **TORTS, Governmental entities**
Townships
  abandoned counties, effect, See **Abandonment and consolidation**
  districts, See **Districts**
  establishment, Title 7, chapter 2, part 21
  officers, See **COUNTY OFFICERS**
Traffic regulations, See **TRAFFIC REGULATIONS**
Traffic safety program, See **TRAFFIC REGULATIONS, Safety program**
Transportation
  committee, See **SCHOOL TRANSPORTATION, County transportation committee**
  ferries, See **FERRIES AND WHARVES**
  road improvement districts, See **COUNTY ROAD IMPROVEMENT DISTRICTS**
  roads, See **COUNTY ROADS AND BRIDGES**
  urban districts, See **TRANSPORTATION — URBAN DISTRICTS**
Treasurer, See **COUNTY TREASURER**
Underground Conversion of Utilities Law, See **UTILITIES, Underground conversion**
University system units, agreements concerning traffic citations, 20-25-322
Utility services, See also **COUNTY WATER AND/OR SEWER DISTRICTS; METROPOLITAN SANITARY AND/OR STORM SEWER DISTRICTS; REFUSE DISPOSAL DISTRICTS**
  general provisions, Title 7, chapter 13, part 21
Vacation of plats, Title 7, chapter 5, part 25
Vehicles, See **Motor vehicles**
Veterans, burial, 10-2-501 — 10-2-506
Warrants, See **COUNTY FINANCE**
Waste disposal, See **REFUSE DISPOSAL DISTRICTS; SOLID WASTE MANAGEMENT; WASTE DISPOSAL**
Water conservancy districts, 85-9-102, See **WATER CONSERVANCY DISTRICTS**
Water districts, See **COUNTY WATER AND/OR SEWER DISTRICTS**
Weed control, See **WEEDS AND WEED CONTROL**
Welfare department, See **COUNTY WELFARE DEPARTMENTS**
Wharves and ferries, See **FERRIES AND WHARVES**
Wildlife preserves and refuges, See **FISH AND WILDLIFE, Preserves and refuges**
Work week, 7-5-2108
Youth centers, See **RECREATION, Counties**
Youth court, county responsibilities
  payments
    service and travel expense, 41-5-503
    transporting youth, 41-5-523
  probation officers, salaries paid by, 41-5-704
  support of youth in custodial agency, 41-5-803
Youth detention facilities, See **Detention facilities**
Zoning, See **ZONING**

COUNTY AID

  See **COUNTY WELFARE DEPARTMENTS**

COUNTY ASSESSOR

  See also generally **COUNTY OFFICERS; PUBLIC OFFICERS; TAXATION, Appraisal; Assessment**

Agricultural land
  appraisal upon change of use, 15-7-209
  rollback tax lien, release, 15-7-209
Aircraft, proration of taxes, 15-24-304
Appraisal, revaluation plan to, 15-7-111
Assessment book, corrections by, 15-8-707

COUNTY ASSESSOR (Continued)

Building and loan associations, assessment by adoption of federal figures, 15-24-801
Business inventories, report to assessor, 15-24-402
Classification of agricultural land, reclassification, 15-7-209
Coal, gross proceeds
  tax roll, preparation, 15-23-703
  transmittal to, 15-23-702
Conservation district assessment, certification, 76-15-518
Election of, ballot arrangement, 13-12-207, See also **COUNTY OFFICERS**
Fire protection approval building permit, issuance, 50-61-112
Forest fire protection assessments, 76-13-207
Hail insurance
  cash payment, procedures, 80-2-206
  delinquent taxpayers, applications, 80-2-207
  forms, filing, 80-2-203
Horses, abandoned
  assessment of those taken in roundup, 81-4-511
  foreman of roundup, report by, 81-4-513
  liability, 81-4-515
  limitation of powers or duties, 81-4-516
Housetrailers, list of certificates of ownership submitted to, 61-3-101
Industries, new or expanding manufacturing — application for tax benefits to, 15-24-1402
Land development controls, determination of construction period, 15-24-1304
Levies which exceed certified millage, resolution or ordinance forwarded to, 15-10-205
Livestock
  annual assessment, decision on, 15-24-911
  correction, 15-24-910
  disease control areas, duty, 81-2-302
  migratory livestock, apportionment, 15-24-942
  penalty, imposition by, 15-24-904
  statement filed with, 15-24-909
Malfeasance, misfeasance, or nonfeasance of office — complaint, 15-1-202
Mines, metal mines — gross proceeds
  computation, 15-23-803
  tax roll, preparation, 15-23-804
  transmittal to, 15-23-803
Mines, net proceeds tax — computation and royalty assessments by, 15-23-507
Mobile homes, list of certificates of ownership submitted to, 61-3-101
Motorboats, certificate of number — duties, 23-2-512
Motor vehicle assessment, 61-3-503
New or expanding manufacturing industries, application for tax benefits to, 15-24-1402
Nonresident ad valorem taxpayers, list to department of revenue, 15-30-228
Offices, 15-8-102
Oil and gas, net proceeds tax — computation and royalty assessments, 15-23-607
Personnel, 15-8-102
Planning and zoning commission, member, 76-2-102
Quiet title actions, new assessment, 15-18-402
Revenue, Department of — agent of, 15-8-102, 15-8-115
Road improvement districts, duties, Title 7, chapter 14, part 27
Salary, See **COUNTY OFFICERS, Salaries**
Schools, 15-8-103
Service of process on, 15-8-115
Sheep, license fees for, 81-7-303
Staff, 15-8-102
Statewide classification and pay plans, applicability, 2-18-103
Tax sales, when irregular assessment, 15-17-111
Transfers of property, confidentiality of information, 15-7-308

COUNTY ATTORNEY

  See also generally **COUNTY OFFICERS; PUBLIC OFFICERS**

Actions against, 77-1-114

COUNTY ATTORNEY (Continued)

Agricultural seed processing plants, labelers, buyers, and warehouses — prosecution of violations by, 80-5-207
Agriculture, Department of — representation when, 80-4-234
Air carriers and operators, violations by — action to enforce, 67-3-427
Air quality violations, recovery of civil penalty, 75-2-413
Alcoholic beverages, action for abatement of public nuisance when, 16-6-313
Ambulance violations, prosecution, 50-6-315
Appeals, criminal
    appearance, failure to appear, 46-20-604
    briefs
        reading from prohibited, 46-20-603
        service on, 46-20-405
    covers and first page of documents, reference, 46-20-513
    notice to, 46-20-201
    removal of records from clerk's office, 46-20-504
    service upon, 46-20-502
Arraignments, duties, 46-12-202
Arrests, request for summons in lieu of, 46-6-201
Arson, prosecution, 50-63-308
Assigned counsel, duties upon nonpayment by defendant, 46-8-115
Attorney general
    assistance, 2-15-201, 2-15-501, 69-14-132
    opinions, 2-15-501
    reports to, 2-15-501
    supervision by, 2-15-501
Auctions, enforcement authority, 30-11-515
Audit reports issued to, 2-7-514
Autopsies, requirement by, 46-4-103
Bigamous marriages — declaration of invalidity sought by, when, 40-1-402
Bond payment funds, enforcement of public officers' liability, 20-9-446
Bonds for county officers and employees, approval of form, 2-9-701
Campground violations, prosecution, 50-52-104
Cause of death, reports to, 44-3-213, 46-4-103
Cemetery associations, legal advisor to, 35-20-207
Child protective teams, member of, 41-3-108
Child support, See **Support**
Cigarette laws, enforcement duties, 16-11-142
City courts, handling of actions referred to district court, 3-11-102
Claims, limitations, 7-4-2704
Coal invoices
    inspection, 82-3-203
    prosecution, 82-3-204
Commercial feed violations, prosecution, 80-9-303
Community college districts
    legal adviser, 20-1-204, 20-1-205
    trustees, prosecution when, 20-15-226
Complaint, criminal — signing, 46-11-401
Confessions, See **Criminal prosecutions**
Conflict of interest, 20-1-205
Conservation districts, assistance, 76-15-319
Construction site health and safety violations, prosecution, 50-77-106
Corporation management, inquiries into, 2-15-201
Cosmetics violations, prosecution, 50-31-505
Cosmetology provisions, proceedings for relief from violations, 37-31-334
Counsel, special — employment, 7-4-2705
County superintendent of schools, legal adviser, 20-1-204, 20-1-205
Criminal prosecutions
    appeals, See **Appeals, criminal**
    argument by, 46-16-401
    arraignment, duties, 46-12-202
    arrests, request for summons in lieu of, 46-6-201
    assigned counsel, duties upon nonpayment by defendant, 46-8-115

COUNTY ATTORNEY (Continued)

Criminal prosecutions (Continued)
- attendance, failure to attend, 46-16-107
- autopsies, requirement by, 46-4-103
- cause of death, reports to, 44-3-213
- confessions
  - notice of motion to suppress, 46-13-301
  - production, 46-15-303
- death penalty, See **Death penalty**
- defenses, notice, 46-15-301
- depositions, attendance at, 46-11-601
- discovery by, 46-15-301, 46-15-302
- dismissal, application for, 46-13-201
- drug users, reports to, 46-9-203
- evidence
  - copying, 46-15-302
  - production compelled by, 46-15-311
  - suppression, notice of motion, 46-13-301, 46-13-302
- executive clemency, order and notice of hearing to, 46-23-303
- extradition, See **Extradition**
- grand jury, duties, See **Grand jury**
- habeas corpus, service of writ upon, 46-22-206
- indictment filed by, 46-16-605
- information, See **Informations**
- inquest, See **Inquests**
- investigative subpoenas, See **Investigative subpoenas**
- jail work release program, See **Work release programs**
- jurors
  - examination by, 46-16-303, 46-17-202
  - information to, presence when given, 46-16-503
  - instructions to, signing by, 46-16-401
- mental disease or defect of defendant, when an issue
  - discharge from confinement
    - mandatory hearing, notice to, 46-14-301
    - superintendent of warm springs hospital, copy of application and report to 46-14-302
  - examination report to, 46-14-203
    - contesting, 46-14-221
  - resumption of proceedings, application, 46-14-222
- postconviction proceedings, notice, 46-21-201
- search and seizure, See **Search and seizure**
- sentences, review — notice and appearance at hearing, 46-18-903, 46-18-904
- state's witness, application for discharge of codefendant to become, 46-11-405
- summons in lieu of warrant for arrest, request by, 46-6-201
- suppression of evidence, notice of motion, 46-13-301, 46-13-302
- suspicious death, requirement of autopsy, 46-4-103
- testimony, compelled by, 46-15-311
- trial, activity during, 46-16-401
- videotaped testimony
  - concurrence on admission, 46-15-401
  - presence at recording, 46-15-402
- witnesses
  - list to, 46-15-301
  - state's witness, application for discharge of codefendant to become, 46-11-405
- work release programs, See **Work release programs**

Death penalty
- mental fitness of defendant, request to resume execution when regained, 46-19-202
- pregnancy of defendant, county attorney to be present at hearing, 46-19-203
- witness to execution, 46-19-103

Deeds and conveyances, collection of fine for name violations, 70-20-109

Dentists, prosecution of complaints against or action for injunction against, 37-4-328

Depositions, attendance at, 46-11-601

Deputies, Title 7, chapter 4, part 27

COUNTY ATTORNEY (Continued)

Drivers' license suspensions, appeals from, 61-8-403
Drugs
  addicts, physicians' prescriptions to — reports, registration, and complaints, 37-2-111
  dispensation
    addicts, prescriptions to — physicians' reports and registration requirements, 37-2-111
    medical practitioners, violations by — institution of actions regarding, 37-2-105
  food, drug, and cosmetic act violations — prosecution, 50-31-505
  users, reports by judges of courts of limited jurisdiction, 46-9-203
Duties generally, Title 7, chapter 4, part 27
Election duties
  campaign violations
    commencement of action, 13-37-121, 13-37-124, 13-37-128, 13-37-129
    investigation, 13-37-111, 13-37-125
  challenge of electors, assistance to election judges, 13-13-305
  commissioner of political practices, prosecution, 13-37-105
  contests
    commencement of prosecution, 13-37-124
    dismissal, consent for, 13-36-208
    investigation, 13-37-111, 13-37-125
  investigation of violations, 13-37-111, 13-37-125
Election of, See also **COUNTY OFFICERS**
  ballot arrangement, 13-12-207
  tie vote, 13-16-506
Eminent domain proceedings instituted by, when, 60-4-104
Executive clemency, order and notice of hearing to, 46-23-303
Extradition
  application for requisition, 46-30-401
  nonsupport, for, 40-5-107
Fire protection violations, prosecution, 50-61-117, 50-61-118, 50-63-308
Firewardens, information regarding forest law violations, 77-5-105
Fish and game laws, enforcement, 87-1-105
Food
  establishment violations, prosecution, 50-50-107
  food, drug, and cosmetic act violations — prosecution, 50-31-505
Forest fire protection amount, foreclosure of lien, 76-13-211
Former, defense by — prohibited, 37-61-413, 37-61-415
Gambling
  complaint mandatory when, 23-5-124, 23-5-323, 23-5-423, 23-5-508
  equipment, production at trial, 23-5-122
  failure to enforce provisions unlawful, 23-5-124, 23-5-126, 23-5-323, 23-5-423, 23-5-508
  lottery prize, recovery, 23-5-208
Garbage disposal districts, legal advisor, 7-13-218
Gasoline and petroleum products, prosecution when price discrimination, 82-15-205
Geophysical exploration, enforcement authority, 82-1-109
Grand jury, duties
  advice to, 46-11-315
  appearance before, 46-11-315
  interpreters subpoena, 46-11-315
  investigation of county attorney by grand jury, 46-11-315
  secrecy provisions, applicability, 46-11-317
  special counsel, employment, 46-11-315
  transcripts to, 46-11-316
  witnesses, subpoena, 46-11-313, 46-11-314
Habeas corpus, service of writ upon, 46-22-206
Habitual traffic offenders
  complaint, filing, 61-11-205, 61-11-206
    notification, 61-11-206
  records certified to, 61-11-204
Hazardous substances violations, prosecution, 50-30-302, 50-30-303
Hazardous waste violations, recovery of civil penalty, 75-10-417
Health boards, local — counsel for, 50-2-115

COUNTY ATTORNEY (Continued)

Health care facilities
  certificate of need violations, prosecution, 50-5-307
  licensing violations, prosecution, 50-5-221
Health law violations, prosecution, 50-1-102, 50-1-103
Highways, Department of — eminent domain proceedings instituted for, when, 60-4-104
Hospitals, See **Health care facilities**
Hotel violations, prosecution, 50-51-105
Indictment filed by, 46-16-605
Indigent parents, action for enforcement of support, 40-6-303
Informations, duties
  application for leave to file, 46-11-201, 46-11-202
  filing of information, 46-11-203, 46-11-204, 46-16-605
  signing, 46-11-401
  statement of decision to not file, 46-11-204
Injunctions, application by — security not required, 27-19-204
Inquests
  assistance, 46-4-201
  request by, 46-4-201
Insurers, penalty for violation of cease and desist orders — petition for recovery, 33-18-1005
Investigative subpoenas
  examination of witnesses, 46-4-304, 46-4-305
  issuance, 46-4-301
Jail work release program, See **Work release program**
Jurors in criminal proceedings, See **Criminal prosecutions**
Justices' courts, request for substitute justice, 3-10-231
Juveniles, See **Minors**
Landscape architects, prosecution of violations by, 37-66-323
Law partner, defense by — prohibited, 37-61-412
Law practice, restrictions, 7-4-2704
Legal adviser, as, 7-4-2711
Legislative audits, prosecution of offenses disclosed by — when, 5-13-310
Legislators, violation of public trust — prosecution, 2-2-103
Livestock, Department of — prosecution of Montana quality label violations, 81-8-705
Lobbying violations, actions brought by, 5-7-305
Malfeasance in office, failure to file information, 46-11-203
Marriage — declaration of invalidity sought by, when, 40-1-402
Medical examiner, state — reports on cause of death from, 44-3-213
Medical practitioners, drug dispensation violations — institution of actions regarding, 37-2-105
Medicine, practice of — enforcement of provisions and prosecution of violations, 37-3-203
Mental disease or defect of defendant, See **Criminal prosecutions**
Milk price control violations, prosecution, 81-23-405, 81-23-406
Mining companies, prosecution of fraudulent financing, 30-14-703
Minors
  abused, neglected, and dependent
    case records, confidentiality, 41-3-205
    criminal charges filed against adults when, 41-3-106
    investigations and resulting reports, notification of, 41-3-202
    petition, filing, 41-3-401
    reporting to, 41-3-201
    temporary investigative authority and protective services, petition and affidavit filed by, 41-3-402
  employment violations, prosecution, 41-2-114
  firearms, use by children under 14 — prosecution mandatory, 45-8-345
  parent-child legal relationship termination, filing of petition, 41-3-607
  parents or guardians, charges filed against when, 41-3-106, 45-8-345
  protection of child, provision for, 41-3-301
  representation prohibited when, 40-4-205
  youth court, responsibilities regarding, See **Youth court**
Mobile home parks — violations, prosecution, 50-52-104
Montana County Attorneys' Association, training coordinator proposed names submitted by, 44-4-102

COUNTY ATTORNEY (Continued)

Montana quality label violations, prosecution, 81-8-705
Motel violations, prosecution, 50-51-105
Motor vehicle graveyards and wrecking facilities, actions concerning, 75-10-541
Nuisance, public — actions to abate initiated by, 16-6-313, 45-8-112
Oil companies, prosecution of fraudulent financing, 30-14-703
Optometrists, prosecution of violations by, 37-10-312
Osteopaths, prosecution of violations by, 37-5-312
Paints, labeling violations, 30-12-1004
Parents
  criminal charges filed against when, 41-3-106, 45-8-345
  indigent, enforcement of support for, 40-6-303
Partner in law, defense by — prohibited, 37-61-412
Part-time position when, 7-4-2706
Passenger carriers, complaint for failure to start at scheduled time, 69-11-202
Pharmacists, prosecution of violations by, 37-7-203
Physical therapists, prosecution of violations by, 37-11-202
Physicians' prescriptions to drug addicts, report and registration requirements, 37-2-111
Postconviction proceedings, notice, 46-21-201
Private investigators and patrol operators, information from, 37-60-402
Product safety violations, prosecution, 50-30-302, 50-30-303
Proprietary postsecondary educational institutions, actions concerning violations, 20-30-403, 20-30-405
Prosecution mandatory
  child labor violations, 41-2-114
  firearms, use by children under 14, 45-8-345
  gambling violations, 23-5-124, 23-5-323, 23-5-423, 23-5-508
Psychologists, complaints against — filed with, 37-17-202
Public employees, prosecution of violations by, 2-7-515
Public officers
  account discrepancies, reports concerning, 2-7-511
  public trust violations, prosecution, 2-2-103
  violations by, prosecution, 2-7-515
  warrant or claim violations, prosecution, 2-2-207
Public trust violations, prosecution for, 2-2-103
Public utility provisions, enforcement duties, 69-3-110
Qualifications, 7-4-2701
Quiet title actions, prosecution, 15-18-404
Rabies control, injunction brought by, 50-23-106
Railroads
  charter, application for forfeiture, 69-14-537
  crossing orders, recovery of penalty for noncompliance, 69-14-611
  proceedings
    assistance, 69-14-132
    instituted by, 69-14-134
  violations, prosecution, 69-14-203
Real estate, collection of fine for name violations on deeds or conveyances, 70-20-109
Records and reports, 2-15-501, 7-4-2715
Refuse disposal districts, legal adviser, 7-13-218
Restraint of trade, injunction application by, 27-19-204
Salary, See **COUNTY OFFICERS**, **Salaries**
School district bond proceedings, advice and assistance, 20-9-436
School district trustees
  legal adviser, 20-1-204, 20-1-205
  proceedings against, 20-3-332
Search and seizure
  return of property, notice to, 46-5-304
  suppression of evidence, notice to, 46-13-302
  warrant, application through, 46-5-202
Seismic operations, enforcement authority, 82-1-109
Sentences, review — notice and appearance at hearing, 46-18-903, 46-18-904
Session laws, copies to, 5-11-203

COUNTY ATTORNEY (Continued)

Solid waste management
  actions generally, 75-10-231
  enforcement of rules, 75-10-112
Speech pathologists and audiologists, complaints against — filed with, 37-15-202
State lands
  actions affecting, representation in — when, 77-1-111
  violations, prosecution, 77-1-114
State's witness, application for discharge of defendant to become, 46-11-405
Subdivided lands, action to enjoin sales or transfers when, 76-3-301
Summons in lieu of warrant for arrest, request by, 46-6-201
Supervision, 2-15-501
Support
  administrative enforcement
    records, availability, 40-5-206
    scale of suggested minimum contributions furnished to, 40-5-214
  indigent parents, 40-6-303
  reciprocal enforcement
    duties generally, 40-5-119, 40-5-120, 40-5-134
    enforcement of orders, 40-5-125, 40-5-140, 40-5-141
    extradition, duties respecting, 40-5-107
    intrastate procedures, 40-5-134
    obligee — representation of, when, 40-5-113, 40-5-119, 40-5-139
    prosecution transferred from, when, 40-5-118, 40-5-119, 40-5-139
Suppression of evidence, notice of motion, 46-13-301, 46-13-302
Supreme court decisions, copies to, 3-2-604
Suspicious death, requirement of autopsy, 46-4-103
Taxation
  assessment book corrections, consent, 15-8-707
  prosecution of violations, 15-1-202
  quiet title actions, prosecution, 15-18-404
  settlement with county clerk and recorder, 15-1-506
Technical assistance to 44-4-103
Timber sales, procedure upon breach of agreements, 7-8-2607
Title abstracts or certificates of title, review when, 76-3-612
Trailer court violations, prosecution, 50-52-104
Training coordinator
  appointment, 44-4-102
  creation of position, 44-4-101
  functions, 44-4-103
Training, provision, 44-4-103
Unfair trade practices
  complaint, copy to, 30-14-133
  investigator, employment, 30-14-122
  prosecution, 30-14-121
Utility provisions, enforcement duties, 69-3-110
Vacancy in office
  created when, 77-1-114
  procedure to fill, 7-4-2702
Veterans, representation in court, 10-2-214, 10-2-226
Veterinarians, prosecution of violations by, 37-18-202
Videotaped testimony in criminal trials, See **Criminal prosecutions**
Violations by, 77-1-114
Water well contractors, prosecution of violations by, 37-43-312
Witnesses, subpoena by, 26-2-508
  criminal prosecutions, See **Criminal prosecutions**
Work release programs
  reduction of sentence based on performance, request by, 46-18-705
  request by, 46-18-701
Youth court
  custody of youth when, 41-5-302
  information filed when, 41-5-206

COUNTY ATTORNEY (Continued)

Youth court (Continued)
    petition alleging delinquency or need of supervision
        filing and time limitation, 41-5-301
        reinstatement, 41-5-524
        signature, 41-5-501
    probation or consent adjustment reviewed by, 41-5-301
    prosecution transferred to criminal court, 41-5-206
    records
        expunction, consent required for, 41-5-604
        inspection, availability, 41-5-602, 41-5-603

COUNTY AUDITOR

    See also generally **COUNTY OFFICERS**; **PUBLIC OFFICERS**

Books and accounts, examination, 7-6-2409
Bounty claims and affidavits, 81-7-204
Claims, duties, Title 7, chapter 6, part 24
Compensation, See **Salary**
Conservation district moneys, warrants, 76-15-525
Creation of office, 7-6-2401
Deputies, limitation, 7-6-2413
Duties, 7-4-3003
Election of, 7-6-2402, See also **COUNTY OFFICERS**
    ballot arrangement, 13-12-207
Location of office, 7-6-2405
Oath, 7-6-2404
Qualifications, 7-6-2403
Records, 7-6-2410
Salary, 7-6-2406, See also **COUNTY OFFICERS**, **Salaries**
School district records audited by, when, 20-9-203
Tax-exempt property, warrant upon delinquent privilege tax, 15-24-1206

COUNTY BOARD OF HEALTH

    See **HEALTH, LOCAL BOARDS AND DEPARTMENTS**; **HEALTH OFFICERS, LOCAL**

COUNTY BOARD OF PARK COMMISSIONERS

    See **PARKS**

COUNTY CANVASSERS, BOARD OF

    See **ELECTIONS**, **Canvassing of votes**

COUNTY CENTRAL COMMITTEE

    See **ELECTIONS**, **Political parties**

COUNTY CLERK AND RECORDER

    See also generally **COUNTY OFFICERS**; **PUBLIC OFFICERS**

Acknowledgments
    justice of the peace, by
        certification when, 1-5-107
        verification, 3-1-405
    proof taken by, 1-5-101
Administrative rules, copy distributed to and maintenance, 2-4-313
Adoption, substitute birth certificate to, 50-15-304

COUNTY CLERK AND RECORDER (Continued)

Affidavits
  filing with, 26-1-1012
  taken before, 26-1-1003
Agricultural associations, filing of
  membership applications, 35-16-302
  mortgages, 35-16-405, 35-16-406
  petition for incorporation, 35-16-204
  trust indentures, 35-16-405, 35-16-406
  withdrawal order, 35-16-304
Agricultural marketing associations, filing of
  agreements, 35-17-405, 35-17-409
  certificate of amendment, 35-17-203
  merger or consolidation documents, 35-17-504
Airport influence area, designation map filed with, 67-4-201
Assignment for benefit of creditors, filing with, 31-2-214, 31-2-215
Attachment of property
  attachment book kept by, 27-18-112
  discharge or release, filing with, 27-18-731, 27-18-732
  public officers, property in control of — service upon county clerk, 27-18-406
  security agreement, when property subject to, 27-18-413, 27-18-414
  writ, filing with, 27-18-402
Auctions
  affidavit of assistant auctioneer, filing with, 30-11-512
  bond of auctioneer, approval or filing with, 30-11-510
  place of business, filing with, 30-11-513
Audit reports issued to, 2-7-514
Bail, filing of schedule of real property when used as bail, 46-9-403
  release, 46-9-502
Banks and trust companies
  continual succession, intention filed with, 32-1-306
  fiduciary relationships, transfer — order of substitution filed with, 32-1-807, 32-1-808
  incorporation, documents respecting filed with, 32-1-305
  nonassessable preferred stock, resolution to issue filed with, 32-1-336
  reorganization, filing of certificate of proceedings for
    directors, board of — change in number, 32-1-356
    name, place of business — change, 32-1-355
  surplus and undivided profits, conversion to capital stock — certificate of issuance filed with, 32-1-340
Benevolent associations, annual statements — filing, 33-6-304
Birth
  certificates
    filing with, 50-15-109
    substitute certificate forwarded to upon adoption, 50-15-304
  judicial determination, certification and filing of judgment, 27-32-302, 50-15-205
Bonds
  county officers and employees, filing and recording, 2-9-701
  public contracts, filed when, 18-2-201
Books distributed by, receipts, 2-15-401
Bounty certificates and scalps
  affidavit and claim, 81-7-204, 81-7-205
  compensation, 81-7-115
  filing, 81-7-115, 81-7-116
  records, 81-7-115
  reports, 81-7-114, 81-7-115
Building and loan associations, articles of incorporation filed with, 32-2-205
Bulk transfers, filing of list of creditors and property schedule, 30-6-104
Business trusts, filing of creating instrument, 35-5-201
  amendment, filing, 35-5-203
Cemetery associations, filing of
  certificate of incorporation, 35-20-103
  plat of property, 35-20-212
  release of plot, 35-20-216

COUNTY CLERK AND RECORDER (Continued)

Certificates of proof, verification by, 3-1-405
City-county consolidation, duties, Title 7, chapter 3, part 12
Coal severance tax bond trust indentures, filing, 17-5-711
Community college districts
  annexation, canvassing resolution filed with, 20-15-231
  organization order filed with, 20-15-209
Condominiums, as recording officer for, 70-23-102, See **CONDOMINIUMS**, **Recording officer**
Conservation districts
  moneys, warrants, 76-15-525
  notice of organization
    filing, 76-15-322
    transmittal, 76-15-323
  project areas, filing of notice of creation, 76-15-607
  water storage sites, filing of site designation, 76-15-407
Conservation easements, filing and recording, 76-6-207
Contractual obligations with county, cancellation, 15-16-702, 15-16-703
Cooperative associations, filing of
  certificate of amendment, 35-15-205
  certificate of incorporation, 35-15-204
  merger or consolidation documents, 35-15-504
Corner records, filing with, 70-22-104, 70-22-109, 77-1-104
Counties
  abandonment, Title 7, chapter 2, part 27
  name change, Title 7, chapter 2, part 25
  new
    appointment of clerk, Title 7, chapter 2, part 23
    creation, Title 7, chapter 2, part 22
    duties generally, Title 7, chapter 2, part 24
County election administrator, as — when, 7-2-2302
Death certificates
  filing with, 50-15-109
  forwarding to when death occurs outside county of residence, 50-15-402
Deeds, See **Property**
Deputies, Title 7, chapter 4, part 26
Documents, See **Recording documents**
Duties, Title 7, chapter 4, part 26
Election administrator, as, 13-1-101, 13-1-301, See **COUNTY ELECTION ADMINISTRATOR**
Election duties
  campaign reports, filing with, 13-37-117, 13-37-225
  campaign treasurer, certification filed with, 13-37-201
  election administrator, as, 13-1-101, 13-1-301, See **COUNTY ELECTION ADMINISTRATOR**
  recounts, bond posted with, 13-16-211
Election of, See also **COUNTY OFFICERS**
  ballot arrangement, 13-12-207
  tie vote, 13-16-506
Emergencies and disasters
  postattack rules filed with, 10-3-505
  proclamation filed with, 10-3-304, 10-3-404
Eminent domain, final order filed with, 70-30-309
Engineers, registered professional — copy of roster filed with, 37-67-318
Entry townsites, filing of notice of petition for deed, 70-28-303
Estray and Lost Property Book, 70-5-205
Execution, duties
  certificate of sale, filing with, 25-13-711
  redemption, See **Redemption**
  revival of judgment, petition filed with, 25-13-713
  security interest, upon property subject to, 25-13-505, 25-13-506
Federal government, filing of maps or plats by, 2-1-202

COUNTY CLERK AND RECORDER (Continued)

Fees, Title 7, chapter 4, part 26
    notaries public, filing commission and issuance of certificate, 1-5-408
Fetal death certificate, filing with, 50-15-109
Fictitious name, register of, 35-11-201
Finance, duties related to, Title 7, chapter 6, part 22
Finders
    description of property, recording, 70-5-205
    proof of ownership before, 70-5-208
Floodplains and floodways
    designations, filing, 76-5-202
    orders and rules regarding, filing, 76-5-208
Garbage disposal districts, See **Refuse disposal districts**
Geophysical exploration, See **Seismic operations**
Grazing districts
    amended articles of incorporation, filing, 76-16-206
    dissolution notice, filing, 76-16-211
    map or plat, filing, 76-16-207
Hail insurance
    applications filed with, 80-2-207
    liens, satisfaction and release, 80-2-230
Herd district petitions, See also **Horse herd district petitions**
    change of time period district to be in effect, 81-4-305
    dissolution, filing, 81-4-302
    establishment, filing, 81-4-301
Hide inspectors, certificates and bills of sale, 81-9-112
Highways, Department of — subdivision plats filed by, when, 60-4-105
Homestead declarations, filing with, 70-32-107, 70-32-303
Horse herd district petitions, See also **Herd district petitions**
    creation, filing, 81-4-322
    dissolution, filing, 81-4-323
Housing authorities, duties, Title 7, chapter 15, part 21
Indexes, Title 7, chapter 4, part 26
    bail, schedules of real property, 46-9-403
Insurers
    conservator, order for appointment — filing, 33-2-1379
    domestic stock and mutual, filing of articles of incorporation, 33-3-202
        amendments, filing, 33-3-203
    farm mutual
        annual statement and report of expenditures for educational purposes, filing, 33-4-313
        articles of incorporation, filing, 33-4-203
    liquidation
        ancillary receiver, order for appointment — filed with, 33-2-1382
        assets, order for — filing, 33-2-1380
        documents, filing, 33-2-1345
        orders, filing, 33-2-1342, 33-2-1352
    rehabilitation orders, filing, 33-2-1332, 33-2-1352
Investment companies, See **Banks and trust companies**
Journals, house and senate — copies to, 5-11-203
Juries and jurors
    compensation, statement to, 3-15-204
    list of jurors, compilation duties, 3-15-401
Justice of the peace
    docket, deposit of, 3-10-512
    fines deposited with, receipt to clerk, 46-17-303
    oath of office to be filed with clerk, 3-10-202
    successor, certificate designating to be filed with, 3-10-514
    summons, certification for service out of the county, 25-31-407
Land surveyors, registered — copy of roster filed with, 37-67-318
Law, practice of — prohibited, 7-4-2210, 37-61-203
Legislative proceedings, fee exemption, 5-11-214
Licensing duties, Title 7, chapter 21, part 21

COUNTY CLERK AND RECORDER (Continued)

Liens, duties
    agricultural land rollback tax lien, recording of release, 15-7-209
    crop dusting, 71-3-902, 71-3-903
    crop, for seed and grain, 71-3-703, 71-3-705
    farm laborers, 71-3-402 — 71-3-404
    federal tax, 71-3-204
    hail insurance, lien for crop protection, 71-3-712
    loggers, 71-3-605, 71-3-606, 71-3-608
    mechanics', 71-3-511 — 71-3-513
    oil and gas wells and pipelines, laborers' and materialmen's, 71-3-1004, 71-3-1005
    renewable resource development projects, 90-2-109
    tax, federal, 71-3-204
    threshers, 71-3-802, 71-3-803, 71-3-810
Limited partnerships, See **Partnerships**
Lis pendens, filing with, 70-19-102, 70-28-106, 70-28-213, 70-29-109
Livestock, possession under service of process — duties, 81-8-311, 81-8-314
Livestock protective committees, minutes filed with, 81-6-102
Marriage, medical certificate forms to be provided to, 40-1-204
Marriage settlement contracts, recording of, 40-2-313
Married person's inventory of individual property, recording of, 40-2-203, 40-2-204
Mausoleums and columbariums, filing of plat of property, 35-21-402
Membership in associations, 7-5-2142
Metropolitan sanitary and/or storm sewer districts, duties, Title 7, chapter 13, part 1
Mineral trusts, filing of claim, 82-1-306
Mines and mining
    eminent domain proceedings, plat filed with, 82-2-224
    lease expiration, affidavit of effectiveness and notice filed with, 82-1-202
    location of claim
        false filings, 82-2-115
        recording with, 82-2-102
        working, affidavit filed with, 82-2-103
    strip and underground mine reclamation by board of land commissioners, filing of costs and lien, 82-4-239
    strip and underground mining permits, application filed with, 82-4-222
Mortgages, duties
    assignment, recording, 71-1-207
    defeasance, recording, 71-1-209
    discharge, 71-1-211, 71-1-213
    future advances, recording of notice, 71-1-206
    lien, effect of foreclosure on, 71-1-222
    renewable resource development projects, filing, 90-2-109
    renewal affidavit filed, 71-1-210
    subordination agreements, 71-1-208
    waiver agreements, 71-1-208
Motor vehicle financial responsibility bonds, notice of cancellation, 61-6-137
Notaries public
    character, official — certification and fee, 1-5-407, 1-5-408
    commission, filing, 1-5-407
    records, deposit of and duties regarding, 1-5-419, 1-5-420
Oaths of public officers filed with, 2-16-212
Official bonds
    certificate for lien upon surety's real estate, filing, 2-9-528
    release of surety, statement filed with, 2-9-523
Partition
    lienholders as parties, search, 70-29-107
    lis pendens, filing with, 70-29-109
    referee's report, filing with, 70-29-309
Partnerships, fictitious name register, 35-11-201
Personal property, See **Property**
Planning boards, map of jurisdictional area — filing, 76-1-502, 76-1-503, 76-1-506, 76-1-507
Property
    condominiums, recording officer, 70-23-102, See **CONDOMINIUMS**, **Recording officer**

COUNTY CLERK AND RECORDER (Continued)

Property (Continued)
  copies of recorded documents, certification, 70-21-201
  corner record, filing with, 70-22-104, 70-22-109, 77-1-104
  finders, See **Finders**
  homestead declarations filed with, 70-32-107, 70-32-303
  liens, See **Liens**
  lis pendens, filing with, See **Lis pendens**
  married person's individual, recording of inventory, 40-2-203, 40-2-204
  mortgages, See **Mortgages**
  partition, See **Partition**
  quiet title, See **Quiet title**
  recording
    defined, 70-21-209
    duties generally, 70-21-212, See **Recording documents**
    fee endorsement, 70-21-210
    validation of instruments with defective execution, 70-21-309
  transfers, recording duties, 15-7-304, 15-7-305, 15-7-308
  valuation statements, preparation and distribution, 20-9-122
Public officers
  oaths, filing, 2-16-212
  resignations, 2-16-502
  signatures filed with, 2-16-114
Quiet title
  entry townsite lands, notice filed with, 70-28-303
  judgment, recording when action by heirs of deceased entrymen, 70-28-215
  judicial record, filing when action by heirs of deceased entrymen, 70-28-215
  lis pendens, filing with, 70-28-106, 70-28-213
Railroads
  accidents involving animals, station designated to keep records — filing of notice, 69-14-708
  corporations, certificate of incorporation — filing of amendment, 69-14-509
  fireguards, lands released from provision for — certificate of release filed with, 69-14-722
Real property, See **Mortgages**; **Property**
Recall petitions
  counting and verification of signatures, 2-16-620
  retention, limitation, 2-16-620
Recording documents, Title 7, chapter 4, part 26
  condominiums, 70-23-102, See **CONDOMINIUMS**, **Recording officer**
  deeds, See **Property**
  provisions located, 70-21-212
  real property, relating to, See **Property**
Records, Title 7, chapter 4, part 26
Redemption
  certificate of redemption filed with, 25-13-809
  notices filed with, 25-13-806
  records required, certification, 25-13-807
Refuse disposal districts, duties, Title 7, chapter 13, part 2
Rendering plants for dead or fallen animals, records — filing, 81-9-313, 81-9-316
Renewable resource development projects, filings, 90-2-109
Road improvement districts, duties, Title 7, chapter 14, part 27
Role, 7-4-2611
Rural improvement districts, duties, Title 7, chapter 12, part 21
Salary, See **COUNTY OFFICERS**, **Salaries**
Savings and loan associations, articles of incorporation filed with, 32-2-205
Savings banks, See **Banks and trust companies**
School districts
  audit reports, copies filed with, 20-9-203
  bonds and coupons, canceled — filing, 20-9-442
  emergency budget resolution delivered to, 20-9-164
Secured transactions
  execution upon, duties, 25-13-505, 25-13-506
  financing statement, filing, 30-9-401
    attachment when, 27-18-413, 27-18-414

COUNTY CLERK AND RECORDER (Continued)

Seismic operations
    noncompliance, notice to, 82-1-106
    notice of intention, filing with, 82-1-103
    permit, issuance, 82-1-105
    record of work performed, filing with, 82-1-108
Session laws, copies to, 5-11-203
Special education cooperative contracts filed with, 20-7-454
State lands
    certificates of purchase, certification of instruments affecting, 77-2-335
    survey notes and plat filed with, 77-1-104
Subdivision plats filed with, 77-2-312
Subdivisions
    instruments of transfer, recording restrictions, 76-3-302
    plats
        amended, filing, 76-3-207
        certificates of survey, index, 76-3-613
        certification, 76-3-304
        corrections of recorded plats, filing, 76-3-614
        filing requirement generally, 76-3-302
        final, filing requirements, 76-3-301, 76-3-303
        highways, department of — filed by, when, 60-4-105
        index, 76-3-613
        noncomplying, filing or recording prohibited, 76-4-122
        ordinances, filing, 76-1-606
Taxation
    action to collect, allowance of costs, 15-16-505
    affidavits required, 15-10-306
    agricultural land rollback tax lien, recording of release, 15-7-209
    assessment
        duplicate, affidavit to, 15-16-105
        evidence, as, 15-16-504
    assessment book
        affidavit, 15-10-306
        certification as evidence, 15-8-710
        changes, transmittal to, 15-8-709, 15-10-304
        delivery to, 15-8-705, 15-10-305
        duplicate, order dispensing with certified to, 15-8-703
        statements prepared from, 15-10-302, 15-10-303
        transmittal by, 15-10-306 — 15-10-308
    attachment, issuance of writ, 15-16-502
    cancellation of taxes
        adjustment of accounts, 15-16-703
        copy of order filed with, 15-16-702
    corporate reviver, filing with, 15-31-524
    county tax appeal board, notice of meetings, 15-15-101
    delinquent list
        certification as evidence, 15-8-710
        charge to county treasurer, 15-16-303
        comparison with assessment book, 15-16-301, 15-16-302, 15-16-305
        delivery to, 15-16-302, 15-16-305
        report to, 15-16-301
        totals, 15-16-305
        transmittal to department of revenue, 15-16-304
    equalization, records used for, 15-9-103
    levies, recording of orders, 7-6-2504
    poll tax, receipts printed by, 15-16-116
    report to state auditor, 15-1-505
    residential property in area of changing use, statement to county clerk, 15-7-402
    settlements with department of revenue and county officers, 15-1-506
    tax sales
        certificate of sale, filing with, 15-17-204, 15-17-206, 15-18-107
        county tax deed lands, duties, 15-18-108, 15-18-201, 15-18-203, 15-18-302

COUNTY CLERK AND RECORDER (Continued)

Taxation (Continued)
    tax sales (Continued)
        notice, proof of publication to, 15-17-102
        quiet title actions, order to show cause filed with, 15-18-401
        redemption, entry on certificate, 15-18-107
        tax deed, proof of notice of application to, 15-18-202, 15-18-204
    transfers of property, recording duties, 15-7-304, 15-7-305, 15-7-308
Television districts, duties, Title 7, chapter 13, part 25
Title abstracters, See **Abstracters of title**
Transportation districts, duties, Title 7, chapter 14, part 2
Trust companies, See **Banks and trust companies**
Trust indentures, duties
    assignment of, recording, 71-1-313
    foreclosure
        affidavit of compliance, filing with, 71-1-315
        deed, 71-1-318
        notice of sale
            cancellation, 71-1-312
            copies requested, 71-1-314
            filed with, 71-1-313
        surplus proceeds deposited with, 71-1-316
    trustee, successor — recording of appointment, 71-1-306, 71-1-313
Trusts — transfer, order of substitution filed with, 32-1-807, 32-1-808
United States, filing of maps or plats by, 2-1-202
Utilities
    rural cooperatives, filings with, 35-18-501
    underground, excavations near — filing of information sources prior to, 69-4-502
Veterans — burial of, responsibilities respecting, 10-2-503, 10-2-504
Vital statistics records
    certificates, filing with, 50-15-109
    disclosure unlawful, 50-15-114
Wage brokers, filing of assignment with, 31-1-307
Water and/or sewer districts, duties, Title 7, chapter 13, parts 22 and 23
Zoning regulations, proposed — on file with, 76-2-205

COUNTY COMMISSIONERS, BOARD OF

See also **PUBLIC OFFICERS**, generally

Abandoned horses, See **Horses**
Adult education programs, authority regarding, 20-7-705
Aeronautics, Board of — members, 2-15-1812
Airport
    establishment, commissioners as governing body, 67-10-202
    joint board, per diem and mileage set by, 67-10-205
Alcoholic beverage sale or consumption, action to prohibit, 16-1-205
Appeals by school districts, See **School districts**
Ash collection districts, See **Garbage and ash collection districts**
Attachment of property in control of public officers, service of writ upon commissioners, 27-18-406
Attorney general opinions, 2-15-501
Audit reports issued to, 2-7-514
Authority generally, 7-5-2101
Bonds for county officers and employees, purchase, 2-9-702, 2-9-703
Budget duties, Title 7, chapter 5, part 23
Building
    codes, applicability, 50-60-102
    permit, issuance, 50-61-112
Cattle protective districts
    multiple counties
        discontinuance or removal of area from, 81-6-205
        formation, 81-6-201

COUNTY COMMISSIONERS, BOARD OF (Continued)
Cattle protective districts (Continued)
- single county
  - discontinuance, 81-6-210
  - formation, 81-6-206
- tax levies, recommendations for, 81-6-204, 81-6-209

Cemetery districts, duties, Title 7, chapter 35, part 21
Chairman, 7-4-2109
Change of venue, allowance of costs, 25-2-205
Child abuse, action brought by, 40-6-233
Child support, See **Support**
Cities and towns
- multi-municipality organization, duties, Title 7, chapter 2, part 43
- organization and incorporation, duties, Title 7, chapter 2, part 41

City-county consolidation, duties, Title 7, chapter 3, part 12
Civil defense, See **Emergencies and emergency powers**
Community college districts
- levy requirements, 20-15-313
- trustees, complaints and suspension, 20-15-227

Compensation, 7-4-2107, See also **Expenses**; **Mileage allowance**
Composition, 7-4-2101
Conciliation court, counseling expense assumed when, 40-3-125
Conflict of interest, 7-5-2106
Conservation districts
- assessments
  - estimates, 76-15-511, 76-15-513, 76-15-622
  - levy, 76-15-516, 76-15-518, 76-15-623
  - project areas, 76-15-622, 76-15-623
  - rate, computation, 76-15-517
- notice of organization transmitted to, 76-15-323
- project areas
  - budget, 76-15-622
  - levy of assessment, 76-15-623
- warrants, request for issuance and registration, 76-15-505

Constables
- deputies, appointment of and liability for, 3-10-704
- salaries fixed by, 3-10-703

Construction projects affecting streams, See **RIVERS AND STREAMS**, **Streambed protection**
Contractual obligations with county, delinquency, 15-16-701, 15-16-702
Counties
- abandonment, duties, Title 7, chapter 2, part 27
- buildings, rental, 7-3-4370
- government-optional forms, duties, Title 7, chapter 3, part 21
- new
  - appointment of commissioners, Title 7, chapter 2, part 23
  - creation, Title 7, chapter 2, part 22
  - duties generally, Title 7, chapter 2, part 24

County assessors, offices provided by, 15-8-102
County classification, designation, Title 7, chapter 1, part 21
County government — optional form, for, See **COUNTIES**, **Government** — optional forms
County high schools
- bonds
  - elections, duties, 20-9-452, 20-9-453
  - issuance and sale, 20-9-453
- unification, duties following, 20-6-313

County offices, consolidation — duties, Title 7, chapter 4, part 23
County powers exercised by, Title 7, chapter 1, part 21
County Printing, Board of — members, 2-15-1811
County roads
- gasoline license tax, coordination of expenditures, 15-70-101
- powers concerning, Title 7, chapter 14, part 21

COUNTY COMMISSIONERS, BOARD OF (Continued)

County roads (Continued)
  responsibility for, 60-1-102
  restoration, supervision when, 69-13-103
County seal, 7-4-2112
County superintendent of schools
  annual report, receipt, 20-3-209
  expenses, audit, 20-3-203
  office space, supplies, and staff, 20-3-203
  salary withheld when, 20-3-209
  vacancy in office, 20-3-202
County Tax Appeal Board, appointment of members, 15-15-101
County transportation committee, membership, 20-10-131, See also **SCHOOL TRANSPORTATION**
Courts, See **Conciliation court**; **District courts**; **Justices' courts**; **Small claims courts**; **Youth court**
Curfew for minors, 7-32-2302
Dams and reservoirs, complaints on safety to, Title 85, chapter 15, part 3
Dances and dance halls, authority, Title 7, chapter 21, part 26
Deaf and Blind, Montana State School for the — payments to, when, 20-8-108
Detention facilities, established by, 41-5-802
District courts
  facilities to be provided by, 3-5-404
  juries and jurors
    compensation, statement to commissioners, 3-15-204
    list of jurors, aid in compilation, 3-15-401
  witnesses, statement of compensation to clerk of commissioners, 3-5-512
Districts, 7-4-2102, 7-4-2103, 7-4-2104
  county, division into, 7-5-2103
Election of, See also **COUNTY OFFICERS**
  ballot arrangement, 13-12-207
  new counties, for, Title 7, chapter 2, part 22
  tie vote, 13-16-505, 13-16-506
Emergencies and emergency powers
  local governing bodies, postattack appointments to, 10-3-604
  tax, levy and disposition, 10-3-405
  vacancy on board, postattack, 10-3-603
Eminent domain proceedings, plaintiff, 70-30-203
Estates, claims against for support of children when, 40-6-213
Expenses, 7-4-2108, See also **Compensation**; **Mileage allowance**
Facility siting
  applications, copies to, 75-20-211
  party to proceedings, 75-20-221
Fairs, duties, Title 7, chapter 21, part 34
Fences, fallen — procedures regarding, 81-4-106 — 81-4-108
Ferries, duties, Title 7, chapter 14, part 28
Financial statement, annual, 7-5-2123
Fire danger areas, closure of land requested by, 87-3-106
Fire districts, duties, Title 7, chapter 33, part 21
Fire protection, issuance of permit approving construction, 50-61-112
Fish, wildlife, and parks — department-owned lands, allocation of payments in lieu of taxes, 87-1-604
Flood control projects, duties, See **FLOODS**, **Control projects**, generally
Floodplain and floodway delineation programs, notification regarding, 76-5-201
Forest protection and management, moneys for, 7-8-2601
Forest reserve moneys, federal — distribution, 17-3-213
Forests, county
  creation, authorization, 7-8-2602
  tax-deed lands for, 7-8-2603
Gambling
  bingo and raffles, licensing, 23-5-421, 23-5-422
  card games, licensing, 23-5-321, 23-5-322
Garbage and ash collection districts, duties, Title 7, chapter 13, part 24

COUNTY COMMISSIONERS, BOARD OF (Continued)

Gravel on state lands, permits for use, 77-3-208
Grazing districts
  advisory capacity, 76-16-104
  livestock, claims of ownership, 76-16-317
Hail insurance levy moneys, determination of use, 80-2-232
Hard-Rock Mining Impact Board, representation on, 2-15-1822
Health boards
  city-county board appropriations, duties, 50-2-111
  district board appropriations, duties, 50-2-112
  establishment by, 50-2-104, 50-2-106, 50-2-107
  members, as, 50-2-104
Health care facilities, application for federal funds, 50-5-411
Health officers, appointment, 50-2-117
Herd districts, See also **Horses**, herd districts
  change of time period district to be in effect, 81-4-305
  dissolution, 81-4-302
  establishment, 81-4-301
  government land, exclusion, 81-4-303
  joint districts, 81-4-304
High school boundary commission, members of, 20-6-304, See also **SCHOOL DISTRICTS**, **High school boundary commission**
Highway Commission, contracts with, 60-2-112
Highways
  coal impact areas, reconstruction in, 90-6-210
  contracts for construction, 60-2-112
  federal-aid
    funds, information concerning, 60-3-207
    off-system road funds, 60-3-208
    secondary system, cooperation in selection, 60-1-103, 60-2-104
  restoration, supervision when, 69-13-103
Horses
  abandoned, roundup of
    authorization, 81-4-503
    claim of ownership, proof and payment of moneys, 81-4-509, 81-4-512
    disposal or destruction when, 81-4-506, 81-4-509
    foreman
      designation and bond requirements, 81-4-505
      report by, 81-4-513
    liability, 81-4-515
    limitation of powers or duties, 81-4-516
    notice concerning, 81-4-504
  herd districts, See also **Herd districts**
    claim of ownership of sold horses, 81-4-327
    creation, 81-4-322
    dissolution, 81-4-323
Hospital districts, duties, Title 7, chapter 34, part 21
Hospitals, application for federal funds, 50-5-411
Housing authorities, duties, Title 7, chapter 15, part 21
Indemnity insurance, premium payments, 7-4-2111
Indian tribes, consent for state jurisdiction, 2-1-302
Juries and jurors
  compensation, statement to commissioners, 3-15-204
  list of jurors, aid in compilation, 3-15-401
Justices' courts
  constables, See **Constables**
  establishment, commissioners' authority, 3-10-101
  facilities, provision by, 3-10-103
  judicial offices, numbering by, 3-10-201
  justices of the peace
    appointment by, when, 3-10-206
    office hours to be set by, 3-10-208

COUNTY COMMISSIONERS, BOARD OF (Continued)

Justices' courts (Continued)
  justices of the peace (Continued)
    salaries to be set by, 3-10-207
    substitute justice, appointment by commissioners when, 3-10-231, 3-10-232
  location determined by, when, 3-10-101
  numbering of judicial offices, 3-10-201
Lawsuits, direction and control, 7-5-2104
Legislative vacancies filled by, 5-2-402 — 5-2-404, 10-2-227
Levies set by, See **Conservation districts**, assessments; **School district levy requirements**; **Taxation**
Libraries
  board of trustees, appointment, 22-1-308
  cities, notification of withdrawal from county library, 22-1-313
  city libraries, contracts with, 22-1-315
  public, petition for establishment, 22-1-303
Licensing authority, Title 7, chapter 21, part 21
  wage brokers, 31-1-302
Livestock
  abandoned horses, See **Horses**
  disease control areas, establishment, See **LIVESTOCK, Disease control areas**
  diseased, indemnity payments for slaughter, 81-2-207
  herd districts, See **Herd districts**; **Horses**
  horses, See **Horses**
  inspections, designation of loading and unloading facilities for, 81-3-206
  levies for, 81-6-104, 81-6-204, 81-6-209
  protective committee, See **Livestock protective committees**
  protective districts, See **Cattle protective districts**
  purebred livestock shows and sales, 81-8-503, 81-8-504
Livestock, Department of — cooperation with, 81-7-102
Livestock protective committees
  administration, 81-6-107, 81-6-108
  cooperation and assistance, 81-6-103
  deputy, appointment, 81-6-105
  discontinuance, 81-6-106
  petition to establish, 81-6-101
  tax levies, recommendations for, 81-6-104
Malpractice review panel, provision of facilities, 27-6-501
Markets and market houses, authority, Title 7, chapter 21, part 33
Medical malpractice review panel, provision of facilities, 27-6-501
Meetings, Title 7, chapter 5, part 21
Membership in associations, 7-5-2141
Metropolitan sanitary and/or storm sewer districts, duties, Title 7, chapter 13, part 1
Mileage allowance, 7-4-2108, See also **Compensation**; **Expenses**
Mill levies set by, See **School district levy requirements**
Minors
  abuse, actions regarding, 40-6-233
  curfew, 7-32-2302
  support, See **Support**
Mosquito control districts, duties, Title 7, chapter 22, part 24
Motor carrier certificate proceedings, party to, 69-12-321
New counties, See **Counties**
Oaths, administration, 7-5-2121
Oil and gas interests, lease when acquired, 82-10-204
Personnel employed by, 7-5-2107
Pipeline construction, road or highway restoration, 69-13-103
Planning and zoning, See also **Zoning**
  appeals from decisions concerning, 76-2-110
  commission
    appointment, 76-2-101
    employees' expenses, approval, 76-2-102
    members, commissioners as, 76-2-102

COUNTY COMMISSIONERS, BOARD OF (Continued)

Planning and zoning (Continued)
  development districts
    resolutions concerning, 76-2-107
    variances, authorization, 76-2-106
  districts, creation, 76-2-101
Planning boards
  city boards
    county representative, designation or appointment, 76-1-223, 76-2-311
    establishment, 76-1-105
  city-county boards, boundary extensions, 76-1-505
  establishment, resolution for, 76-1-104
  jurisdictional area
    boundaries
      extensions, 76-1-505
      revision, 76-1-502, 76-1-503
    establishment, 76-1-501
    projects outside, 76-1-508
  master plan, use, 76-1-605, 76-1-606
  members
    appointment, 76-1-201, 76-1-211, 76-2-311
    designation, 76-1-221, 76-1-223
  subdivision plats, advice concerning, 76-1-606
  tax levied for, 76-1-403 — 76-1-405
  vacancies filled by, 76-1-204
Postsecondary vocational-technical centers, authority regarding, 20-7-324, 20-7-325
Predator control
  county programs
    claims, 81-7-204
    inspectors, appointment, 81-7-202
    tax levy, petitions for, 81-7-201, 81-7-202
  livestock, department of — cooperation with, 81-7-102
  sheep protection
    license fee requirements, 81-7-303, 81-7-305
    programs for, 81-7-302, 81-7-305
Printing contracts, See **PRINTING, County**
Proceedings, publication, 7-5-2123
Property valuation statements delivered to, when, 20-9-122
Public defender, creation of office and appointment to, 46-8-202
Public libraries, See **Libraries**
Public utility lines and facilities, underground conversion — duties, See **UTILITIES, Underground conversion**, governing bodies
Purebred livestock shows and sales, expenditure for, 81-8-503, 81-8-504
Raffles by nonprofit organizations, authority, 23-5-413
Railroads
  crossings
    order for, 69-14-603 — 69-14-605
      action to determine reasonableness, 69-14-608
      allowed when, 69-14-607
      enforcement, 69-14-606
    overhead or underground, petition for, 69-14-607
  drains and ditches, construction and maintenance, 69-14-240
  fireguards, duties, 69-14-722
  grade crossings, procedures for construction and use of interlocking plants and other structures, 69-14-239
  signaling devices, petition for installation, 69-14-621, 69-14-622
Records, Title 7, chapter 5, part 21
Refuse disposal districts, duties, Title 7, chapter 13, part 2
Resignations made to, 2-16-502
Rewards for apprehension of criminals, 7-32-2301
Road improvement districts, duties, Title 7, chapter 14, part 27
Roads, See **County roads**
Rulemaking powers, 7-5-2102

COUNTY COMMISSIONERS, BOARD OF (Continued)

Rural improvement districts, duties, Title 7, chapter 12, part 21
Sale of timber, See **Timber sales**
Sand on state lands, permits for use, 77-3-208
Scales, public — authority, Title 7, chapter 21, part 31
School budget board, as, 20-6-502, See also **SCHOOL FINANCE, Budget board**
School district levy requirements
  adult education programs, 20-7-705
  basic tax for foundation program, 20-9-331, 20-9-333
  bonds, failure to make levy for, 20-9-439
  building reserve fund, 20-9-503
  bus depreciation reserve fund, 20-10-147
  computation, reports regarding, 20-3-205
  debt service fund, 20-9-439, 20-9-506
  emergency budgets, 20-9-167
  failure to set, when, 20-9-439
  foundation program for, 20-9-331, 20-9-333
  general fund, 20-9-141, 20-9-142, 20-9-353
  joint districts, 20-9-151, 20-9-152
  nonoperating fund, 20-9-506
  permissive, 20-9-352
  postsecondary vocational-technical centers, 20-7-324, 20-7-325
  retirement fund, 20-9-501
  transportation fund, 20-10-144
  tuition fund, 20-5-307, 20-5-312
School districts
  annexation, copy of order for, 20-6-205
  appeals by, 20-6-213, 20-6-217, 20-6-309
  audit requirements, 20-9-203
  bonds, failure to make levy for, 20-9-439
  boundaries
    record and reports, 20-6-103
    review, copies, 20-6-215
  consolidation
    authority for, 20-6-310
    order for, copy, 20-6-203
  creation of new, orders from — procedures, 20-6-217
  endowment fund reports, 20-9-604
  levy requirements, See **School district levy requirements**
  transfer of territory, appeals from, 20-6-213
School elections ordered by, 20-20-201, See also **SCHOOL ELECTIONS**, generally
Schools
  county high schools, See **County high schools**
  elections, See **SCHOOL ELECTIONS**
  foundation program, basic levy for, 20-9-331, 20-9-333
  tax levies, See **School district levy requirements**
School trustees, suspension when, 20-3-310
Seal, 7-4-2112
Sheep, protection from predators, See **Predator control**
Small claims courts
  creation by, 3-12-103, 3-12-203
  multicounty judicial districts, 3-12-203
  resolution to create, 3-12-103, 3-12-203
Snowmobiles, issuance of permits for operation on county roads, 23-2-631
Solid waste management plans, submission to, 75-10-111
Special improvement districts, authorization to create, 69-4-311, See **UTILITIES, Underground conversion**
State lands — permits for stone, gravel, and sand use, 77-3-208
Stone on state lands, permits for use, 77-3-208
Stream alteration or modification projects, See **RIVERS AND STREAMS, Streambed protection**
Subdivision plats, advice regarding, 76-1-606, See also **PLANNING BOARDS; SUBDIVISIONS, Governing bodies**, generally

COUNTY COMMISSIONERS, BOARD OF (Continued)

Subpoena powers, 7-5-2127
Supervisory powers, 7-4-2110
Supplies, contracts for, 7-5-2105
Support
  estates, claims against for support when, 40-6-213
  reciprocal enforcement, representation for obligee requested when, 40-5-113, 40-5-139
Surety upon bonds, as — not allowed when, 2-9-507
Taxation responsibilities, 7-6-2502
  appraisal
    preexisting work, 15-7-104
    revaluation plan to, 15-7-111
  assessment book, dispensing with duplicate, 15-8-703
  cancellation of tax when, 15-16-701, 15-16-702
  cattle protective districts, for, See **Cattle protective districts**
  classification, preexisting work, 15-7-104
  collection, direction by, 15-16-114
  county assessors, offices provided by, 15-8-102
  county tax appeal board, appointment of members, 15-15-101
  delinquent list, 10-year — transmittal to, 15-16-701
  flood control project assessments, See **FLOODS**, **Control projects**
  levies
    effect, 15-16-114
    failure to levy, 15-10-104
  livestock, levies for, See **Livestock**
  new industrial facilities, request for prepayment, 15-16-201
  planning boards, levies for, 76-1-403 — 76-1-405
  predator control, for, See **Predator control**, county programs
  purebred livestock shows and sales, for, 81-8-503, 81-8-504
  refund claims, 15-16-114, 15-16-601
  school district levies, See **School district levy requirements**
  tax sales
    assessment irregularities, duties, 15-17-111
    county tax deed lands, duties, 15-17-305, 15-18-108, 15-18-203
    notice, direction by, 15-17-102
    protest, report to, 15-17-113
    quiet title actions, request to county attorney to prosecute, 15-18-404
    redemption, report to board on persons entitled, 15-17-206
    refunds, order by, 15-17-312
  water conservation project assessments, See **FLOODS**, **Control projects**
Tax-deed lands, exchange for timber lands, 7-8-2603
Television districts, duties, Title 7, chapter 13, part 25
Term of office, 7-4-2105
Timber
  lands, tax-deed lands exchanged for, 7-8-2603
  removal, permits issued for, 7-8-2608, 7-8-2609
Timber sales
  agreements, 7-8-2605
    breach of, procedures, 7-8-2607
  procedures, 7-8-2604
Townships, establishment, See **COUNTIES**
Transportation committee, county — membership, 20-10-131, See also **SCHOOL TRANSPORTATION**, **County transportation committee**
Transportation districts, duties, Title 7, chapter 14, part 2
Underground conversion of utility lines and facilities, duties, See **UTILITIES**, **Underground conversion**, governing bodies
Utility lines and facilities, underground conversion — duties, See **UTILITIES**, **Underground conversion**, governing bodies
Vacancies
  general provisions, 7-4-2106
  postattack, 10-3-603
Veterans
  appointment of "acting" officers, 10-2-227

COUNTY COMMISSIONERS, BOARD OF (Continued)

- **Veterans** (Continued)
  - burial of, duties respecting, 10-2-501
  - reemployment applications, receipt of, 10-2-223
- **Wage brokers**, licensing, 31-1-302
- **Warrants**, See also **COUNTY FINANCE, Warrants**, generally
  - conservation districts, request for issuance and registration, 76-15-505
- **Water and/or sewer districts**, duties, Title 7, chapter 13, parts 22 and 23
- **Water conservation and flood control projects**, duties, See **FLOODS, Control projects**, generally
- **Weed control program**, duties, Title 7, chapter 22, part 21
- **Witnesses**, 7-5-2128
- **Youth court**, funding authorized by, 41-5-104
- **Youth detention facilities**, established by, 41-5-802
- **Zoning**, See also **Planning and zoning**
  - board of adjustment
    - appointment, 76-2-221
    - removal of members when, 76-2-222
  - commission, appointment and recommendations, 76-2-220
  - districts
    - boundaries
      - establishment or revision procedures, 76-2-205
      - recommendations, 76-2-204
    - establishment, 76-2-202
  - enforcement of provisions, 76-2-210
  - permits, location or conformance, 76-2-207
  - regulations
    - adoption or amendment procedures, 76-2-205
    - authorization, 76-2-201
    - establishment, 76-2-202
    - recommendations for, 76-2-204, 76-2-220
  - temporary interim map or regulation, adoption, 76-2-206

COUNTY CORONER

See also generally **COUNTY OFFICERS**; **PUBLIC OFFICERS**

- **Accounts**, statement concerning, 7-4-2914
- **Actions against**, statute of limitations, 27-2-209
- **Assistance from state medical examiner**, 44-3-211
- **Burials by**, 35-20-209, 44-3-403
- **Child abuse**, reporting of, 41-3-201, 41-3-203, 41-3-204, 41-3-206, 41-3-207
- **Contempt**, neglect or violation of duty as, 3-1-501
- **Corpses**, See also **FORENSIC SCIENCE**
  - autopsy, order by, 46-4-103, 50-21-103
    - liability, 46-4-104
  - burials by coroner, 35-20-209, 44-3-403
  - inquests, See **Inquests**
  - jurisdiction, 46-4-101
  - property with or upon person of deceased, disposition, 44-3-402
  - suspicious deaths, duties, 46-4-102
- **Death certificates**, certification, 50-15-403, 50-15-404
- **Deputies**, appointment, 7-4-2901
- **Duties**, 7-4-2911
- **Election of**, ballot arrangement, 13-12-207, See also **COUNTY OFFICERS**
- **Fees**, Title 7, chapter 4, part 29
  - inquests, transcription, 46-4-206
- **Fetal death**, investigation, 50-15-404
- **Inquests**, See also **CRIMINAL PROCEDURE; JURIES AND JURORS**
  - conducted by, 46-4-201
  - general provisions, Title 7, chapter 4, part 29
  - jury summoned and sworn by, 46-4-202
  - register, 46-4-207

COUNTY CORONER (Continued)

Inquests (Continued)
  subpoena of witnesses by, 46-4-203
  testimony, recording and filing, 46-4-206
Interment information, provision, 35-20-209
Justice of the peace acting as, when, 7-4-2902
Law, practice of — prohibited, 37-61-203
Medical examiner, state — to assist, 44-3-211
Motor vehicle accident reports, 61-7-112
  forms, 61-7-111
Register, 7-4-2912, 46-4-207
Service of process, execution by, 25-3-205, 25-3-206
State medical examiner to assist, 44-3-211
Stenographer for, 7-4-2903

COUNTY DEPARTMENTS OF PUBLIC WELFARE

  See **COUNTY WELFARE DEPARTMENTS**

COUNTY ELECTION ADMINISTRATOR

  See also generally **COUNTY OFFICERS; PUBLIC OFFICERS**

Absentee voting
  application for ballot
    ballot, attachment to returned ballot, 13-13-231
    federal postcard application to, 13-2-212, 13-2-214, 13-13-212
    registration card, comparison of signatures, 13-13-213
    transmittal to, 13-2-212, 13-13-211 — 13-13-213
  before, 13-13-222
  certificate of absentee voting information by, 13-13-233, 13-13-234
  death of voter, duties, 13-13-243
  delivery of ballots to judges by, 13-13-232
  delivery of ballots to voter by, 13-13-213
  federal postcard application to, 13-2-212, 13-2-214, 13-13-212
  mailing of ballot to voter, 13-13-214
  printing of ballots when, 13-13-203
  records by, 13-13-233
  rejected ballots
    endorsement by, 13-13-232
    number, recording, 13-13-233
    retention by, 13-13-232
  return of voted ballot to, 13-13-221
    disposition of ballot, 13-13-231
    envelope for, 13-13-214, 13-13-221
    late receipt, 13-13-232, 13-13-233
    retention of ballots, 13-13-231, 13-13-232
  stamping of ballots, 13-13-214
  voting machines or devices, provision of ballots in precincts where used, 13-13-203
Administrative authority, 13-1-301
Annual political subdivision elections, duties, 13-1-301, 13-1-401
Authority, 13-1-301
Ballot issues
  certification to, 13-10-208, 13-12-201, 13-27-501
  recount petition, filing with, 13-16-201
  verification of petition signatures, 13-27-301
Ballots
  arrangement, authority, 13-12-205, 13-12-207, 13-12-212
  certification, 13-10-208, 13-12-201
  delivery to polling place, 13-12-102, 13-12-210
  destruction, 13-1-303
  form requirements, 13-12-212
  invalid ballots when, 13-12-212

COUNTY ELECTION ADMINISTRATOR (Continued)

Ballots (Continued)
  labels for filled vacancies, affixation or delivery to judges, 13-12-204
  number of ballots, record of, 13-12-210, 13-13-115
  preservation, 13-1-303
  printing by, 13-10-208, 13-12-201, 13-37-126
  provision by, 13-12-212
  rotation of names by, 13-12-205
  sample ballots, provision by, 13-12-214
  stamp, determination of information, 13-13-116
  vacancies, affixation of labels, 13-12-204
Campaigning
  code of fair campaign practices, provision of forms, 13-35-302
  violations, notice to, 13-37-126
Cancellation of election, notice, 13-1-304
Canvassing of votes
  certification, issuance, 13-15-406
    polls not open, 13-15-402
    tie vote certified to, 13-15-405
  counting board, meeting place designated by, 13-15-103
    marshal, appointment by, 13-15-103
  county canvassers, board of
    delinquent returns, notice to, 13-15-402
    secretary of, 13-15-401, 13-15-404
  disposition of election materials, 13-15-205, 13-15-301
  return of election materials to, 13-15-205
  returns
    copy to, 13-15-101
    delinquent, notices, 13-15-402, 13-15-503
    forms furnished by, 13-15-101
  tally sheets, disposition, 13-15-301
  tie votes
    certified to, 13-15-405
    drawing by lot, 13-16-501
  voting machines or devices, provisions for delivery of ballots to counting center, 13-15-103
Challenges of voters
  affidavit, filing with and copies to judges, 13-2-404
  assistance to judges, 13-13-305
Cities and towns, organization and incorporation — duties, Title 7, chapter 2, part 41
City-county consolidation, duties, Title 7, chapter 3, part 12
Code of Fair Campaign Practices, provision of forms, 13-35-302
Conservation districts
  ballots, preparation, 76-15-303
  nominating petitions, filing, 76-15-302
  project areas, notification of election for creation, 76-15-605
Contests, destruction of ballots after, 13-1-303
Counties, duties concerning
  abandonment, Title 7, chapter 2, part 27
  bonds, general obligation — issuance, Title 7, chapter 7, part 22
  new, creation by legislation, Title 7, chapter 2, part 23
  new, creation by petition, Title 7, chapter 2, part 22
County central committee rules to be filed with, 13-38-105
County clerk and recorder as, 7-2-2302, 13-1-101, 13-1-301
County water and/or sewer districts, creation — duties, Title 7, chapter 13, part 22
Defined, 13-1-101, 13-1-301
Deputies, 13-1-301
Districts
  districting and apportionment plan, consultation, 13-3-102
  list to secretary of state, 13-1-204
Expenses, 13-1-203, 13-1-302, 13-2-117
Forms, 13-1-202
Judges of elections
  appointments
    emergency, by, 13-4-207

COUNTY ELECTION ADMINISTRATOR (Continued)
Judges of elections (Continued)
  appointments (Continued)
    notice by, 13-4-104
    second board, recommendation for, 13-4-101
    vacancies, by, 13-4-102
  chief judge, excuse by, 13-4-207
  compensation, certification of amount due, 13-4-106
  counting board, recommendation for appointment, 13-4-101
  emergencies, authority in, 13-4-207
  excuse of chief election judge, 13-4-207
  instruction sessions by, 13-4-104, 13-4-203
  lists of qualified persons to, 13-4-102
  meeting time set by, 13-13-101
  notice of appointment by, 13-4-104
  second board, recommendation for, 13-4-101
  supplies to be returned to, 13-4-201
  training sessions by, 13-4-104, 13-4-203
  travel expenses, certification, 13-4-106
  vacancies filled by, 13-4-102
Laws, copies of election laws to and distribution, 13-1-202, 13-12-101
Local annual elections, duties, 13-1-301, 13-1-401
Local government ordinance petitions, duties, Title 7, chapter 5, part 1
Nominations
  nonpartisan
    declaration, filing with, 13-14-112, 13-14-114
    petition, filing with, 13-14-113, 13-14-114
  petition
    filing with, 13-10-503, 13-10-504
    presidential candidates, 13-10-504
    samples to, 13-10-501
Nonpartisan elections
  ballots, preparation and distribution, 13-14-115
  declarations of nomination, filing with, 13-14-112
  judicial unopposed incumbent candidates, ballot form to be used by, 13-14-213
  petition for nomination, filing with, 13-14-113
  registrar of candidates, entry in, 13-14-114
Personnel, 13-2-117
Political parties
  precinct committeemen, filing of declaration of nomination with, 13-38-201
  primary election petitions of minor parties, duties, 13-10-601
  rules, filing with, 13-38-105
Political subdivisions, elections of
  deputy administrators for, 13-1-301
  duties, 13-1-401
Polling places
  booths, provision, 13-13-111
  change by, 13-3-105
  emergency change by, 13-3-105
  notice of locations, 13-2-207, 13-2-215, 13-3-105
  poll watchers, permission for additional poll watchers, 13-13-121
  supplies, delivery to, 13-12-102
  voting machines, provision, 13-13-111
Precincts
  boundary changes, legal description to, 13-3-103
  list to secretary of state, 13-1-204
  map to secretary of state, 13-1-204
Presidential elections
  certification of candidates, 13-25-101
  petitions of nomination
    filing, 13-10-504
    verification of signatures, 13-10-405, 13-10-504

COUNTY ELECTION ADMINISTRATOR (Continued)

Primary elections
  ballots
    certification and printing, 13-10-208
    return to, 13-10-311
  certification of candidates, 13-10-208
    successor candidates, 13-10-327
    when no election held, 13-10-209
  declarations of nomination, filing with, 13-10-201
  double nomination, notice of party preference to, 13-10-303
  indigent candidates, petition for nomination — verification of signatures, 13-10-203, 13-10-204
  minor party petitions, duties, 13-10-601
  omission of election when insufficient number of candidates, certification of candidates, 13-10-209
  presidential preference, verification of petition signatures, 13-10-405
  register of candidates, 13-10-205
  return of ballots to, 13-10-311
  unnecessary elections when insufficient number of candidates
    cancellation, 13-1-304
    certification of candidates, 13-10-209
  write-in candidates, acceptance of nomination filed with, 13-10-204
Qualifications, 13-1-101, 13-1-301
Recall petitions
  approved, numbering, 2-16-617
  filing, 2-16-615
  form, review, 2-16-617
  notification to officer, 2-16-621
  signatures, counting, 2-16-620
Records
  destruction, 13-1-303
  preservation, 13-1-303
  secretary of state, to, 13-1-204
Recounts
  ballots and supplies for recount
    destruction after, 13-1-303
    production, 13-16-412
    return to, 13-16-417
  certificate, attestation, 13-16-418
  county recount board
    notice to, 13-16-204
    secretary, as, 13-16-101
  petition for
    filing with, 13-16-201, 13-16-211
    notice to, 13-16-201
  tie, procedure upon certification to, 13-16-203
  voting machines, resealing in presence of, 13-16-417
Redistricting and reapportionment plan, consultation, 13-3-102
"Registrar" defined as, 13-1-101
Registration of voters
  authority, 13-1-301
  cancellation duties, 13-2-207, 13-2-401 — 13-2-403, 13-2-513
  certificate of omission, issuance, 13-2-603
  challenges, duties, 13-2-403, 13-2-404
  close of
    acceptance of registration by deputies after, 13-2-102, 13-2-203
    procedure, 13-2-301
    registration with, during closed period, 13-2-302
  costs, 13-2-117
  count to secretary of state, 13-1-204
  deputies as registrars, 13-2-102
  electors in united states service
    federal postcard filed with, 13-2-212, 13-2-214
    notice to electors, 13-2-214

COUNTY ELECTION ADMINISTRATOR (Continued)

Registration of voters (Continued)
  federal postcard application, duties, 13-2-212, 13-2-214
  filing of forms, 13-2-112, 13-2-114, 13-2-214
  hours for, 13-2-201
  lists, preparation and use, 13-2-115
  mail registration, duties, 13-2-203, 13-2-212
  name change of elector, notice to, 13-2-511, 13-2-512
  notice of
    cancellation, 13-2-401
    challenge, to elector, 13-2-403, 13-2-404
    close of registration, 13-2-301
    name, change, 13-2-511
    polling place, 13-2-207, 13-2-215
    previous registration, 13-2-515
    registration, to electors, 13-2-207, 13-2-214, 13-2-215, 13-2-515
    residence, change, 13-2-511
  numbering of forms, 13-2-114
  office hours for, 13-2-201
  omissions from precinct register by, 13-2-603
  personal registration before, 13-2-202
  personnel to assist, 13-2-117
  precinct register, duties
    fees, 13-2-122
    omissions, 13-2-603
    preparation, 13-2-116
  previous registrations, checking for, 13-2-515
  records, 13-2-112
  registrar, election administrator defined as, 13-1-101
  residence of elector, notice of change to, 13-2-511, 13-2-512, 13-2-514
  time for, 13-2-201, 13-2-203
  transfer of registration, duties, 13-2-511, 13-2-513, 13-2-514
School bond issue petitions, submission and certification, 20-9-423 — 20-9-425
School elections
  fee schedule, 13-1-302
  registered electors, list of
    delivery and charge, 20-20-313
    format, 20-20-312
    preparation, 20-20-201, 20-20-312
  resolution for, 20-20-201
Scope of authority, 13-1-301
Secretary of state, advice to, 13-1-202
Supplies to, 13-1-202
Tie votes
  certification to, 13-15-405
  drawing by lot, 13-16-501
Training sessions, 13-1-203
Transportation, urban districts — duties, Title 7, chapter 14, part 2
Voting booths, provision, 13-13-111
Voting machines or devices
  approval report, transmittal to, 13-17-101
  arrangement at polling place, 13-13-111
  ballots, paper — authorization for, 13-17-306
  certification of instruction, issuance, 13-17-201
  demonstration by, 13-17-204
  examination of equipment, report to, 13-17-101
  exhibit in office of, 13-17-204
  instructions for electors, provision, 13-17-203, 13-17-204
  instructions for judges, provision, 13-17-201
  notice of use and location, 13-17-203
  number of electors voting, provision of recording method, 13-13-115
  paper ballots, authorization for, 13-17-306
  placement at polling place, 13-13-111

COUNTY ELECTION ADMINISTRATOR (Continued)

- **Voting machines or devices** (Continued)
  - provision, 13-13-111
  - sample ballots, publication, 13-17-203
- **Voting procedures generally**
  - absentee voting, See **Absentee voting**
  - ballots
    - number, record, 13-12-210, 13-13-115
    - stamp, determination of information, 13-13-116
  - booths, provision, 13-13-111
  - number of electors voting, recording, 13-12-210, 13-13-115
  - poll watchers, permission to additional poll watchers, 13-13-121
  - precinct register
    - preparation, 13-2-116
    - signing inability of elector, affidavit filed with, 13-13-114
- **Workshops**, 13-1-203

COUNTY ENGINEER

See **ENGINEERS AND LAND SURVEYORS**

COUNTY FAIR BOARDS

See **FAIRS**, **County commission**

COUNTY FAIR COMMISSIONERS OR DISTRICTS

See **FAIRS**, **County commission**; **County districts**

COUNTY FAIRS

See **FAIRS**

COUNTY FINANCE

See also **LOCAL FINANCE**

- **Assessments**
  - conservation districts, See **CONSERVATION DISTRICTS**
  - open-space land purposes, for, 76-6-109
- **Audits of**, See **ADMINISTRATION, DEPARTMENT OF**, **Audits of governmental entities**
- **Bonds**
  - construction, Title 7, chapter 7, part 21
    - flood control or water conservation projects, for, 76-5-1117
  - county high schools, See **SCHOOL FINANCE**, **Bonds**
  - duplicate, See **Duplicate bonds, warrants, or coupons**
  - general obligation, See **BOND ISSUES, PUBLIC**, **County general obligation bonds**
  - insurers, investment in, 33-2-812, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Investments**
  - redemption prior to maturity, when, 17-6-213
  - refunding general obligation, See **BOND ISSUES, PUBLIC**, **County refunding general obligation bonds**
  - tort claims, payment of judgment liability — for, 2-9-316
- **Budget**
  - administration, department of — duties, Title 7, chapter 6, part 23
  - appropriations, Title 7, chapter 6, part 23
  - conciliation court — provisions for, exception, 40-3-114, 40-3-122, 40-3-125
  - estimates, Title 7, chapter 6, part 23
  - expenditures, Title 7, chapter 6, part 23
    - emergency, See **Emergency expenditures**
  - fund requirements, Title 7, chapter 6, part 23

COUNTY FINANCE (Continued)

Budget (Continued)
    general provisions, Title 7, chapter 6, part 23
    planning boards, tax levy for, See **PLANNING BOARDS**
    preliminary, 15-10-203, 15-10-204; Title 7, chapter 6, part 23
    revenues, 15-10-203, 15-10-204; Title 7, chapter 6, part 23
    surety bond premiums, 2-9-704
    tax levy, Title 7, chapter 6, part 23
    teachers' retirement employer contributions, 19-4-605
    warrants, unpaid and outstanding, Title 7, chapter 6, part 23
Capital improvement fund, Title 7, chapter 6, part 22
Cash basis, business conducted on, 7-6-2211
Change of venue, allocation of costs, 25-2-205
Claims, Title 7, chapter 6, part 24
    statute of limitations, 27-2-209
Contractual obligations to county, delinquent, 15-16-701
County clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
County treasurer, duties, See **COUNTY TREASURER**
Credit, restriction on use, 7-7-2103
Dentists, fines from violations by, 37-4-327
Duplicate bonds, warrants, or coupons, Title 7, chapter 7, part 21
Election costs, 13-1-302
    election administrator, 13-2-117
    recount, 13-16-205
    voting machines, 13-17-104
Emergency expenditures, Title 7, chapter 6, part 23
Equalization payments from state lands, See **STATE LANDS, Equalization payments**
Federal and state moneys, appropriation, Title 7, chapter 6, part 22
Federal relief, administration, Title 7, chapter 6, part 22
Financial statement, annual, Title 7, chapter 6, part 22
Fiscal year, 7-6-2201
Funds, generally, Title 7, chapter 6, part 22, See also **COUNTY TREASURER**, specific fund
    abandoned counties, See **COUNTIES, Abandonment and consolidation**
    school, See **COUNTY TREASURER, School funds**
General provisions, Title 7, chapter 6, part 22
Health, local boards — funding, 50-2-109, 50-2-111, 50-2-112
Horse herd district fund, 81-4-327
Indebtedness
    abandoned counties, See **COUNTIES, Abandonment and consolidation**
    bonds, See **Bonds**
    limitation, Title 7, chapter 7, part 21
    name change, effect, Title 7, chapter 2, part 25
    new counties, See **COUNTIES, New, creation by petition**
Investment of county money, Title 7, chapter 6, part 27
Justices' courts, expenses chargeable to county, 3-10-209
Livestock
    assessment for beef research, reimbursement for handling, 81-8-804
    running at large, disposition of fines, 81-4-202
Loans, Title 7, chapter 7, part 24
Mill levy, See **Taxation**, levies
Motor vehicle graveyards, budgets for, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES, County budgets**
Petty cash fund, 7-6-2212
Railroad crossings, apportionment of expenses regarding, 69-14-607
Reports, Title 7, chapter 6, part 22
Roads and bridges, See **COUNTY ROADS AND BRIDGES**
School money, management, 20-9-435, Title 7, chapter 6, part 28
Sheriffs' retirement system contributions, 19-7-404
State land equalization payments, See **STATE LANDS, Equalization payments**
Taxation, See also **TAXATION**
    abandoned counties, See **COUNTIES, Abandonment and consolidation**
    aircraft, 67-3-201

COUNTY FINANCE (Continued)

Taxation (Continued)
  bond payments, See **BOND ISSUES, PUBLIC, County general obligation bonds**
  budget, for, See **Budget**
  cemetery districts, for, See **CEMETERY DISTRICTS**
  civil defense, 10-3-405
  conservation easements, property subject to, 76-6-208
  delinquent, collection by new counties, Title 7, chapter 2, part 22
    lien on money of taxpayer in county's possession, 15-16-404
  emergencies, 10-3-405
  fairs, for, See **FAIRS, County fairs**
  ferries, for, See **FERRIES AND WHARVES**
  fire districts, for, See **FIRES AND FIRE PROTECTION, Rural districts**
  fraternal benefit societies, exemption when, 33-7-407
  health, local boards — levy for, 50-2-108, 50-2-111, 50-2-114
  hospital districts, for, See **HOSPITAL DISTRICTS**
  hospitals, See **HOSPITALS AND RELATED FACILITIES, County financing**
  insurers
    premium tax in lieu of, 33-2-705
    state, preemption, 33-2-707
  levies, general provisions, Title 7, chapter 6, part 25
    exceeding maximum when, 15-7-122
    increase, notice of intention, 15-10-203
  libraries
    cities exempt when, 22-1-313
    levies for
      federations, 22-1-403
      joint city-county libraries, 22-1-316
      public libraries, 22-1-304
  livestock, 81-6-104, 81-6-204, 81-6-209, 81-7-201
  mosquito control, for, See **MOSQUITO CONTROL DISTRICTS**
  motor fuel tax, See **LOCAL FINANCE, Taxation**
  motor vehicle taxes, See **MOTOR VEHICLE REGISTRATION, Light vehicle license fees; Taxes**
  museums, for, See **COUNTIES, Museums**
  new counties, See **COUNTIES, New, creation by petition**
  nursing homes, for, See **HOSPITALS AND RELATED FACILITIES, County financing**
  open-space land purposes, for, 76-6-109
  planning and zoning districts, within, 76-2-102
  planning boards, for, See **PLANNING BOARDS, Tax levies**
  predator control and bounty payments, 81-6-104, 81-6-204, 81-6-209, 81-7-201
  property acquisition by, 70-1-204, See **COUNTIES, Tax-deed lands**
  protest fund, 15-1-402
  recreational facilities, for, See **RECREATION, Counties**
  road and bridge construction, See **COUNTY ROADS AND BRIDGES**
  schools, for, See **SCHOOL FINANCE, Levies; Property tax**
  sheep, 81-6-101
  sheriffs' retirement system contributions, 19-7-404
  tort claims
    insurance premiums, 2-9-212
    judgment liability, 2-9-316
Warrants
  duplicate, See **Duplicate bonds, warrants, or coupons**
  emergency, See **Emergency expenditures**
  general provisions, Title 7, chapter 6, part 26
  public fund deposits, security for, 17-6-103, 17-6-211
  unpaid and outstanding, See **Budget**

COUNTY HEALTH BOARDS AND OFFICERS

  See **HEALTH, LOCAL BOARDS AND DEPARTMENTS; HEALTH OFFICERS, LOCAL**

COUNTY HIGH SCHOOLS
See **SCHOOLS**

COUNTY HOUSING AUTHORITIES
See **HOUSING AUTHORITIES — COUNTY**

COUNTY JAILS
See **JAILS, COUNTY**

COUNTY MEDICAL EXAMINER
See **COUNTY CORONER**

COUNTY MUTUAL INSURERS
See **INSURERS — FARM MUTUAL**, generally

COUNTY OFFICERS
See also **PUBLIC OFFICERS**, generally; specific officer

Absence from state, 7-4-2208
Actions against, statute of limitations, 27-2-209
Attendance at meetings and conventions, 7-5-2145
Bond payment funds, liability, 20-9-445, 20-9-446
Bonds, official, 7-4-2212, 7-4-2213, See also **SURETY BONDS**, **County officers and employees; Official bonds**
Business of office, completion, 7-4-2207
Child support
  enforcement, cooperation for, 40-5-206
  scale of suggested minimum contributions furnished to, 40-5-214
Compensation, See **Salaries**
Conservation districts, duties and liability, See **CONSERVATION DISTRICTS**, **Assessments**
Deputy officers, Title 7, chapter 4, part 24
  salaries, See **Salaries**
Election provisions, See also **COUNTIES**, **Elections**; **ELECTIONS**, generally
  ballot arrangement, 13-12-207
  date of election, 13-1-104
  declaration of nomination, filing, 13-10-201, 13-10-202
  tie vote, 13-16-506
Enumeration, 7-4-2203
Fees, Title 7, chapter 4, part 25
Grazing districts, official acts — liability, 76-16-319
Highways, Department of — consultations and advice, 60-2-206
Horse herd districts, liability concerning duties, 81-4-328
Indemnity insurance, 7-4-2111
Judgments against, payment, 25-13-205, 25-31-1111
Law practice, restrictions, 7-4-2210
Name change of county, effect, Title 7, chapter 2, part 25
New counties, See **COUNTIES**, **New, creation by legislation; New, creation by petition**
Oaths
  administering, 7-4-2209
  filing, 7-4-101
Offices, location and hours, 7-4-2211, See also **COUNTIES**, **Offices**
Official bonds, 7-4-2212, 7-4-2213, See also **SURETY BONDS**, **County officers and employees; Official bonds**
Qualifications, 7-4-2201, 7-4-2202

COUNTY OFFICERS (Continued)

Records, 7-4-2221 — 7-4-2223
  old, destruction, 7-5-2132
Salaries, Title 7, chapter 4, part 25
School districts
  joint, financial administration, 20-9-202
  records, destruction allowed when, 20-9-215
Supervision, 7-4-2110
Surety upon bonds, as — not allowed when, 2-9-507
Term of office, 7-4-2205
Township, 7-4-2204
Vacancies, 7-4-2206

COUNTY PARKS

See **PARKS**

COUNTY PARK SUPERINTENDENT

See **PARKS**

COUNTY PLANNING AND ZONING COMMISSION

See **ZONING, Planning and zoning commission**

COUNTY PLANNING BOARDS

See **PLANNING BOARDS**

COUNTY POOR FUND

See **COUNTY WELFARE DEPARTMENTS**

COUNTY PRINTING, BOARD OF

See **PRINTING**

COUNTY RECOUNT BOARD

See **ELECTIONS, Recounts**

COUNTY REGISTRAR

See **COUNTY ELECTION ADMINISTRATOR**

COUNTY ROAD IMPROVEMENT DISTRICTS

Assessments, Title 7, chapter 14, part 27
Bonds, Title 7, chapter 14, part 27
Committee of supervisors, Title 7, chapter 14, part 27
Contracts, Title 7, chapter 14, part 27
Costs, Title 7, chapter 14, part 27
Creation, Title 7, chapter 14, part 27
Development of roads, Title 7, chapter 14, part 27
Division, Title 7, chapter 14, part 27
Funds, excess, Title 7, chapter 14, part 27
Inspector of works, Title 7, chapter 14, part 27
Meetings, Title 7, chapter 14, part 27
Petitions, Title 7, chapter 14, part 27

COUNTY ROAD IMPROVEMENT DISTRICTS (Continued)

Plans, estimates, and reports, Title 7, chapter 14, part 27
Resolution of public interest, Title 7, chapter 14, part 27
Supervisors, See **Committee of supervisors**

COUNTY ROADS AND BRIDGES

See also **BRIDGES; HIGHWAYS; STREETS**

Abandoned vehicles upon, removal, See **MOTOR VEHICLES, Abandoned vehicles**
Abandonment, See **Establishment, alteration, and abandonment**
Alteration, See **Establishment, alteration, and abandonment**
Bicycles, See **BICYCLES**
Bicycle trails, establishment, See **BICYCLES, Footpaths and bicycle trails**
Bonds, Title 7, chapter 14, part 25
Boundaries, as, 70-16-202, 70-20-201
Cemetery association property, prohibited through, 35-20-217
Classification, 60-1-201
Condemnation, effect, 70-30-107, 70-30-108, See also **EMINENT DOMAIN**
Contracts, road and bridge, Title 7, chapter 14, part 24
Controlled-access highways or facilities, right-of-way for, 60-4-111, 60-5-104
Counties, powers concerning, Title 7, chapter 14, part 21
County commissioners, duties, See **COUNTY COMMISSIONERS, BOARD OF**
Custodian, 60-1-102
Dead animals
- dumping or leaving upon, 75-10-212, 75-10-233
- unlawful disposition, 75-10-213

Definitions, 60-1-103
Districts, Title 7, chapter 14, part 21
- improvement, See **COUNTY ROAD IMPROVEMENT DISTRICTS**

Dumping garbage, dead animals, or refuse upon, 61-8-365, 75-10-212, 75-10-213, 75-10-233
Easements for right-of-way on state lands, See **STATE LANDS, Easements**, generally
Emergency areas, Title 7, chapter 14, part 21
Eminent domain, effect, 70-30-107, 70-30-108, See also **EMINENT DOMAIN**
Encroachments, Title 7, chapter 14, part 21
Establishment, alteration, and abandonment, Title 7, chapter 14, part 26
Excavations across, Title 7, chapter 14, part 21
Fire hazards along right-of-way, 76-13-407, See also **FORESTS AND FORESTRY, Fire hazards**
Flood control activities as protection, See **FLOODS, Control projects**, generally
Footpath and Bicycle Trail Act of 1975, Title 60, chapter 3, part 3, See **BICYCLES**
Footpaths, establishment, See **BICYCLES, Footpaths and bicycle trails**
Funds, 15-70-101; Title 7, chapter 14, part 25
Garbage, dumping or leaving upon, 61-8-365, 75-10-212, 75-10-213, 75-10-233
General provisions, Title 7, chapter 14, part 21
Highways, classification as, 60-1-201
Hunting
- shooting from or across road, unlawful, 61-8-369, 87-1-102, 87-3-101
- use of motor vehicles, restrictions, 87-3-125
- waterfowl, allowed when, 87-1-227

Improvement districts, See **COUNTY ROAD IMPROVEMENT DISTRICTS**
Inspections, Title 7, chapter 14, part 21
Integrated system, 60-1-102
Layout, Title 7, chapter 14, part 21
Livestock control, Title 7, chapter 14, part 21
Machinery and materials, Title 7, chapter 14, part 21
Mausoleum-columbarium property, prohibited through, 35-21-409
Mines and mining
- claims, rights-of-way, 82-2-202
- land subsidence hazards, 82-4-231
- location and maintenance, opencut mining, 82-4-434

COUNTY ROADS AND BRIDGES (Continued)

Mines and mining (Continued)
  permit area, protection when, 82-4-227
  reclamation maps, indication on, 82-4-222
Montana Footpath and Bicycle Trail Act of 1975, Title 60, chapter 3, part 3, See **BICYCLES**
Motor vehicles, abandoned — removal, See **MOTOR VEHICLES, Abandoned vehicles**
Nonresident motorists, use conditional, 25-3-601
Obstructions, removal, Title 7, chapter 14, part 21
Parking regulations, Title 7, chapter 14, part 21
Partition of land, effect, 70-29-205
Pedestrians, See **PEDESTRIANS**
Pipeline construction, 69-13-103, See also **PIPELINE CARRIERS**, generally
Plat books, Title 7, chapter 14, part 21
Private roads
  defined, 61-1-205
  fire hazards along right-of-way, 76-13-407, See also **FORESTS AND FORESTRY, Fire hazards**
  hunting from, restrictions, 87-1-227, 87-3-125
Public utility lines and facilities, See **UTILITIES, Lines and facilities**
Railroads
  construction, 69-14-532
  crossing, 69-14-535, See also **RAILROADS, Crossings; Grade crossings; Highway crossings; Livestock; Signaling devices; TRAFFIC REGULATIONS, Railroad grade crossings**
  locomotive approaching road, sounding of bell and whistle, 69-14-562
Refuse, dumping or leaving upon, 61-8-365, 75-10-212, 75-10-213, 75-10-233
Revenue for, 15-70-101
Right-of-way, Title 7, chapter 14, part 21
  abandoned vehicles upon, removal, See **MOTOR VEHICLES, Abandoned vehicles**
  controlled-access highways or facilities, for, 60-4-111, 60-5-104
  fire hazards along, 76-13-407, See also **FORESTS AND FORESTRY, Fire hazards**
  mining claims, for, 82-2-202
  state lands, easements for, See **STATE LANDS, Easements**, generally
Roadblocks, See **SEARCH AND SEIZURE**
Shooting from or across, 61-8-369, 87-1-102, 87-3-101
State lands, easements for right-of-way on, See **STATE LANDS, Easements**, generally
Superintendent, Title 7, chapter 14, part 23
  improvement districts, duties, See **COUNTY ROAD IMPROVEMENT DISTRICTS**
Supervisor, Title 7, chapter 14, part 21
Tax levies, Title 7, chapter 14, part 25
  collection, 15-16-117
Traffic regulations, See **TRAFFIC REGULATIONS**, generally
Utility lines and facilities, See **UTILITIES, Lines and facilities**
Vehicles, off-road use restrictions, 87-3-125
Water conservation activities as protection, See **FLOODS, Control projects**, generally
Water flow over, Title 7, chapter 14, part 21
Waterfowl, hunting of — allowed when, 87-1-227
Weed control, Title 7, chapter 14, part 21
Width, Title 7, chapter 14, part 21

COUNTY ROAD SUPERINTENDENT

  See **COUNTY ROADS AND BRIDGES, Superintendent**

COUNTY ROAD SUPERVISOR

  See **COUNTY ROADS AND BRIDGES, Supervisor**

COUNTY SEATS

  See **COUNTIES**

COUNTY SHERIFF

See also generally **COUNTY OFFICERS; PEACE OFFICERS; PUBLIC OFFICERS**

- **Abandoned vehicles**
  - junk vehicles, release for, 61-12-402
  - notification concerning, 61-12-402
  - owner
    - notification, 61-12-402
    - reclaiming, 61-12-403
  - sale, 61-12-404
    - certificate of, execution, 61-12-405
    - return of and balance of proceeds, transmittal, 61-12-407
  - taking into custody, 61-12-401
- **Accidents**, motor vehicle, See **MOTOR VEHICLE ACCIDENTS AND ACCIDENT REPORTS**, **Law enforcement officers**, generally
- **Actions against**, 2-9-711
  - statute of limitations, 27-2-209
- **Alcoholic Beverage Code enforcement**
  - powers and duties, 16-1-101, 16-6-102 — 16-6-107
  - revenue for, 16-1-405
- **Amateur radio operator lists**, 61-3-424
- **Arrest, prejudgment**
  - delivery of order to, 27-16-207
  - deposit of money in lieu of bail, 27-16-601, 27-16-602
  - directions in order, 27-16-206
  - escape or rescue, liability for, 27-16-209, 27-16-210
  - execution of order, 27-16-208
  - expenses, 27-16-208
  - filing of order, 27-16-404
  - justice's court, for, 27-16-1001, 27-16-1003, 27-16-1004
  - return endorsement, 27-16-404
  - service upon defendant, 27-16-207
  - sureties
    - acceptance, exoneration of sheriff, 27-16-407
    - justification, notice, 27-16-405
    - nonacceptance by plaintiff, service upon, 27-16-404
  - surrender of defendant to, 27-16-501, 27-16-502
- **Arrest**, privilege from, 46-6-102
- **Attachment of property**
  - balance of judgment, collection, 27-18-905
  - certificate of interest to, 27-18-502
  - debts and credits, collection by, 27-18-405, 27-18-407
  - directions to sheriff, 27-18-301, 27-18-1504
  - examination of defendant, delivery upon, 27-18-501
  - excess property, delivery to defendant, 27-18-904
  - inventory of property, 27-18-603
  - judgment, satisfaction by, 27-18-903
  - justice's court, in, 27-18-1504, 27-18-1505
  - property to be seized, 27-18-401
  - retention of property by, 27-18-601
  - sale by, 27-18-801
  - security for costs, 27-18-305, 27-18-1505
  - third party claims, duties, 27-18-602
  - undertaking, filing by, 27-18-302
  - writs
    - execution, order of, 27-18-303, 27-18-306
    - issuance to, 27-18-206, 27-18-207, 27-18-301
    - return, 27-18-604
    - service upon defendant, 27-18-405
  - written specification of property, 27-18-304
- **Boats and boating**
  - accidents, investigation and report, 23-2-527
  - enforcement of provisions, 23-2-506

COUNTY SHERIFF (Continued)

Bond, official, See **SURETY BONDS**, **County officers and employees**
Bounty inspectors, as, See **PREDATORS AND PREDATOR CONTROL**, **Bounty inspectors**
Cigarette laws, enforcement duties, 16-11-142, 16-11-147
Claim and delivery
  action to recover possession, 27-17-404
  concealed property, seizure, 27-17-206
  custody of property, 27-17-301
  delivery by, 27-17-301, 27-17-306
  endorsement on affidavit required, 27-17-204
  order required, 27-17-203
  return of execution, 27-17-302
  sureties
    approval by, 27-17-205
    liability for sufficiency, 27-17-303
  third party claims, service upon, 27-17-309
  undertaking given to, 27-17-304
  unlocatable property, seizure, 27-17-207
Contempt, charged when, 3-1-501
Cooks and attendants, appointment, 2-2-302
County treasurer, ex officio — as, 15-16-113
Courts
  adjournment by, when, 3-1-304, 3-1-305, 3-5-407
  contempt
    arrest and custody of offender, 3-1-515
    sheriff charged when, 3-1-501
  conveyance of property, duties, 25-8-102
  criminal proceedings, See **Criminal proceedings**
  death penalty, See **Death penalty**
  delivery to parties, duties, 25-8-102
  deposits in court, duties, 25-8-102
  district court crier, 3-5-407
  execution, See **Execution**
  extradition, application for requisition, 46-30-401
  facilities, sheriff to provide when, 3-5-404
  fees, See **CIVIL PROCEDURE**, **Costs**, officers' fees; **FEES**, **Courts**
  juries and jurors
    summoning by, when, 3-15-505, 3-15-701, 3-15-703, 3-15-801, 25-7-206
    views of premises, conducted by, 46-16-502
  process — execution, service, and return
    delivery to, 25-3-201; Title 25, chapter 20, M.R.Civ.P., Rule 4C
    execution when, 25-3-202, 25-3-205, 25-3-206
    fees, disposition, 3-10-222
    justice's court, service for, 25-31-408
    military courts, 10-1-404
    receive, required to, 25-3-201
    return, duties, 25-3-301
    service by, Title 25, chapter 20, M.R.Civ.P., Rule 4D
    sheriff a party, 25-3-205, 25-3-206
    small claims court, 25-34-203 — 25-34-206, 25-35-604
  witnesses
    arrest of disobedient witness, 26-2-106, 26-2-107
    concealed witnesses, service of subpoena, 26-2-103
    prisoners as, order executed by sheriff, 46-15-105
Criminal Identification, State System of
  establishment, cooperation in, 44-2-201
  local bureaus, 44-2-202
Criminal proceedings, See also **Courts**
  death penalty, See **Death penalty**
  execution of judgment, 46-17-302, 46-19-101
  executive clemency, notice of hearing, 46-23-303
  extradition, application for requisition, 46-30-401

COUNTY SHERIFF (Continued)

Criminal proceedings (Continued)
  habeas corpus, service of writ, 46-22-206
  jail work release program, See **Work release programs**
  juries, views of premises conducted by, 46-16-502
  parole hearings, service of subpoenas, 46-23-205
  search and seizure, sale of unclaimed property, 46-5-305
  sentences, execution duties, 46-17-302, 46-19-101
  witnesses, prisoners as — order executed by, 46-15-105
  work release programs, See **Work release programs**
Dead animals, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233
Death penalty
  mental fitness of defendant, execution when in question, 46-19-202
  pregnancy of defendant, duties, 46-19-203, 46-19-204
  presence, 46-19-103
  supervision, 46-19-103
  warrant, return, 46-19-103
Deputies, Title 7, chapter 32, parts 3 and 21
  county treasurer, ex officio — as, 15-16-113
  firewardens, as, See **FORESTS AND FORESTRY**, **Firewardens**
  law, practice of — prohibited, 37-61-203
  livestock deputy, special — as, 81-6-105
  livestock inspectors and detectives, powers as, 81-1-201
Disability retirees, reinstatement procedures, 19-7-612
Distraint, warrants for — duties, 15-1-704, 15-1-706
Drug violations, things seized
  held by, 44-12-103
  sale, 44-12-205
Duties, 7-4-3001; Title 7, chapter 32, part 21
Election duties — polling place, arrest authority upon obstruction, 13-13-122
Election of, ballot arrangement, 13-12-207, See also **COUNTY OFFICERS**
Execution, duties, See also **EXECUTION**, generally
  arrest of judgment debtor, 25-13-308, 25-14-102
  costs, security for, 25-13-403
  criminal judgments, 46-17-302, 46-19-101
  debts owed judgment debtor, payment to sheriff to satisfy, 25-13-502
  delivery of possession, when judgment requires, 25-13-307
  justice's court, 25-31-913, 25-31-1102, 25-31-1104
    criminal proceedings, 46-17-302
  multiple defendants, when only some served, 25-13-303
  personal property, execution upon before real property, 25-13-304
  principal debtor, execution upon before surety, 25-13-302
  real property, which property may be levied, 25-13-304, 25-13-305
  redemption, See **Redemption**
  representative, when property in hands of, 25-13-306
  sales
    agisters' liens, 71-3-1203
    drug violations, forfeited property, 44-12-205, 44-12-206
    loggers' liens, 71-3-614, 71-3-615
    manner, 25-13-402
    motor vehicle certificate of ownership, transfer of interest, 61-3-201
  specific performance, 25-13-203
  tax, delinquent, 15-16-401
  writ
    execution by, 25-13-402
    issuance to, 25-13-301, 25-13-401
    return, 25-13-404
Executive clemency, notice of hearing, 46-23-303
Expenses, See **Mileage and expenses**
Extradition, application for requisition, 46-30-401
Fees, Title 7, chapter 32, part 21
  court, See **CIVIL PROCEDURE**, **Costs**, officers' fees; **FEES**, **Courts**
Fingerprinting by, 44-5-202

COUNTY SHERIFF (Continued)

Fires and fire protection
  building permits, enforcement, 50-61-112
  fire codes to, 2-15-2011
  firewarden, as, See **FORESTS AND FORESTRY, Firewardens**
  hazard removal
    inspection by, 50-62-101
    order to remove hazardous materials, 50-62-108, 50-62-109
    order to repair or demolish structure, service, 50-62-103, 50-62-106
      answer, service upon sheriff, 50-62-104
      enforcement, 50-62-107
      salvage sale, conduct, 50-62-107
  inspections by, 50-61-114, 50-62-101
  investigation of fires
    by fire marshal, issuance of subpoena, 50-63-304
    by sheriff, 50-63-202
Fireworks, seizure by, 50-37-109
Fish and game wardens, ex officio — appointment as, 87-1-503
Forest development roads, jurisdiction, 61-8-111, 61-8-112
Gambling
  complaint duties, 23-5-124
  equipment, destruction by, 23-5-122
  failure to enforce provisions unlawful, 23-5-124, 23-5-126
Game wardens, ex officio — appointment as, 87-1-503
Garbage, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233
General provisions, Title 7, chapter 32, part 21
Grazing districts, trespassing livestock
  notice information, 76-16-315
  sale, 76-16-316
    proceeds, disposition, 76-16-317
Habeas corpus, service of writ, 46-22-206
Ham radio operator lists, 61-3-424
Health officials, to assist, 50-2-120
Horses, wrongful entry into herd districts
  delivery to, 81-4-326
  liability, 81-4-328
  sale, 81-4-327
Impoundment of motor vehicles when, 61-10-209
Jail work release programs, See **Work release programs**
Juries and jurors, See **Courts**
Justice's court, See also **Courts**
  execution, 25-31-913, 25-31-1102, 25-31-1104
  service of process, 25-31-408
Law, practice of — prohibited, 7-4-2210, 37-61-203
Liens, duties
  agisters', 71-3-1203
  hail insurance, 80-2-231
  loggers', 71-3-614
Litter control, enforcement, 75-10-233
Livestock
  deputy, special, 81-6-105
  estrays, enforcement of provisions for, 81-4-621
  horses, See **Horses, wrongful entry into herd districts**
  market consignment permits or transportation permits, duties, See **LIVESTOCK MARKS AND BRANDS**
  protective committees, cooperation and assistance, 81-6-103
  stolen, sale of vehicles used to transport, 81-5-106, 81-5-107
  trespassing
    grazing districts, See **Grazing districts, trespassing livestock**
    notice concerning, 81-4-217
    retention when, 81-4-307
Livestock market inspections, 81-8-261
Machine guns, manufacturer's register and premises inspected by, 45-8-308

COUNTY SHERIFF (Continued)

Mileage and expenses, Title 7, chapter 32, part 21
  computation of mileage, 2-18-504
Military courts — processes of, execution, 10-1-404
Misfeasance in office, 61-3-106
Motorboats, See **Boats and boating**
Motor vehicles
  abandoned, See **Abandoned vehicles**
  accidents, See **MOTOR VEHICLE ACCIDENTS AND ACCIDENT REPORTS**, **Law enforcement officers**, generally
  certificate of ownership, transfer of interest, 61-3-201
  dealers, information regarding violations, 61-4-103
  gross vehicle weight fees, payment by nonresidents, 61-10-213
  impoundment when, 61-10-209
  registration information reported to, 61-3-101
  stolen and recovered, duties, 61-3-106
Nepotism provisions, nonapplicability when, 2-2-302, 2-2-303
Official bond, See **SURETY BONDS**, **County officers and employees**
Parole hearings, service of subpoenas, 46-23-205
Photography by, 44-5-202
Redemption
  notices to, 25-13-806, 25-13-807
  payments to, for benefit of others, 25-13-804, 25-13-805
Refuse, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233
Reinstatement procedures for disability retirees, 19-7-612
Removal from office, grounds for, 61-3-106
Rendering plants, production of records when, 81-9-315
Replevin, See **Claim and delivery**
Retirement system, See **SHERIFFS' RETIREMENT SYSTEM**
Salary, See **COUNTY OFFICERS**, **Salaries**
Sales, See specific subject in this main category
Sales finance companies, arrest for contempt, 31-1-211
School bus two-way radios, permission for operation, 20-10-108
Search and rescue units, control and supervision, 7-32-235, 7-32-2121
Search and seizure, sale of unclaimed property, 46-5-305
Securities transactions, exemption, 30-10-105
Sentences, execution duties, 46-17-302, 46-19-101
Service of process, See **Courts**
Small claims court, See **Courts**
Snowmobiles
  enforcement of provisions, 23-2-641
  stolen and recovered — duty to report, index to, 23-2-602
State lands
  lease payments demanded by, when, 77-6-112
  purchase payments demanded by, when, 77-2-336
Stolen and recovered motor vehicles, duties, 61-3-106
Switchblade knives, collections to be registered with, 45-8-331
Taxation
  collection — as ex officio county treasurer, 15-16-113
  delinquent, execution, 15-1-704, 15-1-706, 15-16-401
  distraint, warrant for, 15-1-704, 15-1-706
  tax sales, seizure of personal property, 15-17-901
Traffic regulations, See **TRAFFIC REGULATIONS**
Trust indentures, posting of notice of foreclosure sale, 71-1-315
Tuberculosis treatment and examination proceedings, expenses and fees, 50-17-114
Undersheriff, Title 7, chapter 32, part 21
  firewarden, as, See **FORESTS AND FORESTRY**, **Firewardens**
  law, practice of — prohibited, 37-61-203
Vacancy in office, 7-32-2101
Wardens, fish and game — ex officio, appointment as, 87-1-503
Weapons
  machine guns, manufacturer's register and premises inspected by, 45-8-308
  switchblade knives, collections to be registered with, 45-8-331

COUNTY SHERIFF (Continued)

Witnesses, See **Courts**
Work release programs
  arrangement by, 46-18-701
  earnings of prisoner, collection and disposition, 46-18-702, 46-18-703
  reduction of sentence based on performance, request by, 46-18-704
  request by, 46-18-701

COUNTY SUPERINTENDENT OF SCHOOLS

  See also generally **COUNTY OFFICERS; PUBLIC OFFICERS**

Adult education levy, report concerning, 20-7-705
Agents, acting as — prohibited, 20-1-201
Appeals, See **Controversy appeals**
Apportionment of moneys, See **School finance, generally**
Assistants, 20-3-203
Attendance officer, when, 20-3-206, 20-5-104
Attorneys employed by, when, 20-3-210, 20-4-204
Audit reports issued to, 2-7-514
Average number belonging
  established by, 20-3-205, 20-9-313
  opening or reopening schools, estimates, 20-3-205, 20-6-502 — 20-6-504, 20-6-506, 20-6-507
Bond, official, 20-3-202, See also **SURETY BONDS, County officers and employees, generally**
Budget procedures, See **School budgets**
Building reserve fund levy, establishment, 20-9-503
Bus depreciation reserve fund levy requirements, 20-10-147
Community college districts, duties concerning, 20-3-205
Consolidation of office, 20-3-201
Controversy appeals
  creation of new elementary districts, orders concerning, 20-6-217
  disqualification of county superintendent when, 20-3-211, 20-3-212
  general provisions, 20-3-210
  school enrollment, denial of excuse from, 20-5-102
  teachers, termination or dismissal, 20-3-107, 20-3-210, 20-4-204
  tuition
    agreements, disapproval, 20-5-304
    applications, approval, 20-3-210
    transfer privilege, abuse, 20-5-312
Correspondence study, supervision when, 20-7-116
County equalization
  apportionment of moneys, 20-3-205, 20-9-334, 20-9-335
  fines and penalties proceeds for, reports concerning, 20-9-332
County high schools
  principals, reports from, 20-4-402
  unification, procedures, 20-3-205, 20-6-312, 20-6-313
County transportation committee, chairman of and duties, 20-3-206, 20-10-131
Crimes, See **Prohibited practices**
Debt service fund
  budget, preparation, 20-9-438
  levy requirement, computation, 20-9-439, 20-9-506
Defined, 20-1-101
Deputy, 20-3-203
Districts, See **School districts, elementary**; **School districts, generally**; **School districts, high school**
District superintendents, reports from, 20-4-402
Duties generally, 7-4-3005, 20-3-205
Educational impact statements required by, 20-1-208, 20-1-209
Election, manner of, 20-3-201, See also **COUNTY OFFICERS**
  ballot arrangement, 13-12-207
Elementary districts, See **School districts, elementary**
Financial matters, See **School finance, generally**

COUNTY SUPERINTENDENT OF SCHOOLS (Continued)

Food services fund, allocation of federal funds, 20-3-205, 20-10-205
Funds, See also specific fund
    annual reports concerning, 20-3-205
    counties, creation — procedures concerning, 7-2-2253
    established by, when, 20-3-208
    interest and income, apportionment of forfeited moneys when, 20-1-301
    levy requirement, See **Levies**, generally
    misappropriation, 20-1-203
    revenue for, computation, 20-3-205
General fund
    levy requirements, computation, 20-9-141
    revenue provisions, duties, 20-3-205, 20-9-348
Hearings conducted by, 20-3-107, 20-3-210
High school boundary commission, member, 20-3-206, 20-6-304, See also **SCHOOL DISTRICTS, High school boundary commission**
High school districts, See **School districts, high school**
Hours, office, 20-3-204
Impact statements required by, 20-1-208, 20-1-209
Indigent children, federal funds for, 20-3-205, 20-10-205
Instructional assistance requested by, 20-7-114
Legal adviser, 20-1-204, 20-1-205
Levies
    adult education, report concerning, 20-7-705
    building reserve fund, establishment, 20-9-503
    bus depreciation reserve fund requirements, 20-10-147
    computation, 20-3-205
    debt service fund requirement, 20-9-439, 20-9-506
    general fund requirements, computation, 20-9-141
    retirement fund, establishment, 20-9-501
    tuition fund requirements, 20-5-307, 20-5-312
Library books, recommendations for, 20-3-205, 20-7-204
Meetings, annual, 20-3-105
Mill levies, See **Levies**, generally
Minors under 16, list to commissioner of labor and industry, 41-2-112
Misappropriation of funds, 20-1-203
Moneys, authority regarding, See **School finance, generally**
Municipal superintendent of schools, powers and duties as, 7-3-1348
Nonoperating fund levy requirements, 20-9-506
Oath of office, 20-1-202, 20-3-202
Oaths administered by, 20-3-205, 20-3-210
Office
    hours, 20-3-204
    space and supplies, 20-3-203
Positions, additional, 20-3-206
Powers and duties generally, 7-4-3005, 20-3-205
Preservation of documents, 20-3-205
Prohibited practices
    agents or solicitors, acting as, 20-1-201
    misappropriation of funds, 20-1-203
    successor, nondeliverance of materials to, 20-1-203
    textbook dealers' emoluments or inducements, acceptance, 20-7-608
Property valuation statements delivered to, 20-9-122
Public Education, Board of — policies, 20-3-205
Qualifications, 20-3-201
Records
    old, destruction when, 20-1-212
    requirements, 20-3-205
Regents of Higher Education, Board of — policies, 20-3-205
Removal from office, 20-7-608
Reports
    annual financial, 20-3-205, 20-3-209, 20-9-211
    preservation, 20-3-205

COUNTY SUPERINTENDENT OF SCHOOLS (Continued)

Reports (Continued)
    public education, board of — to, 20-9-344
    required by, 20-3-324
    superintendent of public instruction, to, 20-3-209, 20-3-106
    tuition, 20-5-306, 20-5-312
Retirement fund levy, establishment, 20-9-501
Retirement system, membership, See **TEACHERS' RETIREMENT SYSTEM**
Salary, 7-4-2503
    withheld when, 20-3-209, See also **COUNTY OFFICERS**, **Salaries**
School boards, See **School trustees**
School budgets
    duties generally, 20-3-205
    emergency
        copy sent to, 20-9-165
        county commissioners, board of — to, 20-9-142
        resolution delivered to, 20-9-164
    final
        completion and filing, 20-9-134
        county commissioners, board of — to, 20-9-142
    form
        additional levy amount, certification, 20-9-353
        completion dates and procedures, 20-9-111
        information, financial and statistical, 20-9-123
    joint districts, procedures, 20-9-151
    maximum amount, estimates, 20-9-111
    preliminary
        adopted, sent to, 20-9-113
        debt service fund, requirements, 20-9-438
        meetings, notice requirements, 20-9-112
        preparation when, 20-9-114
        revenue estimates, 20-9-123
School bus drivers, See **School transportation**
School districts, elementary
    abandonment, 20-3-205, 20-6-209, 20-6-210
    annexation procedures, 20-6-205
    boundaries
        adjustments, 20-6-214
        review, 20-6-215
    classification, 20-3-205, 20-6-201
    consolidation procedures, 20-6-203, 20-6-208
    county high school unification, 20-3-205, 20-6-312, 20-6-313
    creation, procedures, 20-6-217, 20-6-415
    division, between high school districts — order for election, 20-6-305
    joint, dissolution, 20-6-211
    transfer of territory, 20-6-213
School districts, generally
    alteration, 20-3-205
    audit reports, filing, 20-3-205, 20-9-203
    bonus payment applications, 20-6-405
    boundary records and reports, 20-3-205, 20-6-103
    cessation, surrender of records, 20-6-418
    levies, See **Levies**
    organization, 20-3-205
School districts, high school
    abandonment, 20-3-205, 20-6-307
    boundaries
        change, requests for, 20-6-302
        counterpropositions, petitions, 20-6-306
        joint districts, changes affecting, 20-6-302
    classification, 20-3-205
    county high school unification, 20-3-205, 20-6-312, 20-6-313
    establishment, requests for, 20-6-303

COUNTY SUPERINTENDENT OF SCHOOLS (Continued)

School districts, high school (Continued)
    joint
        boundary changes affecting, 20-6-302
        organization, procedures, 20-6-309
School elections
    ordered by, 20-20-201, See also **SCHOOL ELECTIONS**, generally
    rescheduling, 20-20-108
    trustee nominating districts, 20-3-205
School finance, generally
    annual reports, 20-3-205, 20-3-209, 20-9-211, 20-9-213
    apportionment of moneys, 7-6-2801, 20-1-301, 20-3-205, 20-9-212
    audit reports filed with, 20-3-205, 20-9-203
    average number belonging, See **Average number belonging**
    budgets, See **School budgets**
    county equalization, See **County equalization**
    funds, See **Funds**; See also specific fund
    isolation applications, procedures, 20-3-205, 20-9-302
    joint districts, annual reports, 20-9-213
    levies, See **Levies**
    moneys, authority regarding, 20-3-208
    reports, annual, 20-3-205, 20-3-209, 20-9-211
    state equalization, See **State equalization aid**; **State equalization level estimates**
Schools, generally
    enrollment, issuance of excuse from, 20-5-102
    indigent children, federal funds for, 20-3-205, 20-10-205
    libraries
        book selection, recommendations, 20-3-205, 20-7-204
        reports requested by, 20-7-205
    opening or reopening, procedures, 20-3-205, 20-6-502 — 20-6-504, 20-6-506, 20-6-507
    supervision, 20-3-205
    textbooks, recommendations for selection, 20-3-205, 20-7-602
    tuition, See **Tuition**
School transportation
    apportionment of moneys, 20-3-205, 20-10-145, 20-10-146
    budget, 20-10-143, 20-10-144
    bus depreciation reserve fund levy requirements, 20-10-147
    bus driver certificates, filing, 20-3-205, 20-10-103
    committee, See **County transportation committee**
    contracts, copies to, 20-3-205, 20-10-124, 20-10-143
    individual transportation contracts, 20-10-112
    levy requirements, computation, 20-10-144
    reimbursements
        county, responsibilities, 20-3-205, 20-10-146
        state, responsibilities, 20-10-145
        suspension when, 20-10-104
    revenues, computation, 20-10-144
    routing, 20-10-112
School trustees
    additional positions, determination, 20-3-352, 20-3-354
    appointment, 20-3-309, 20-6-203, 20-6-217, 20-6-301, 20-6-313
    assistance, 20-3-207
    election certificate, issuance, 20-20-416
    financial reports by, 20-9-213
    joint boards, clerk, 20-3-206
    meetings, 20-3-205
    nominating districts, 20-3-205, 20-3-353, 20-3-354, 20-3-356, 20-6-313
    oaths, administering and filing, 20-3-205, 20-3-307, 20-3-309
    reports from, 20-3-209, 20-3-324
    vacancies, filling, 20-3-309
School visitations, 20-3-207
Solicitors, acting as — prohibited, 20-1-201
Specialist certification, See **Teachers**, generally

COUNTY SUPERINTENDENT OF SCHOOLS (Continued)

Staff, 20-3-203
State equalization aid, apportionment, 20-3-205, 20-9-347
    emergency school closure, entitlement, 20-9-804, 20-9-805
State equalization level estimates, 20-9-348
Successor, delivering materials to, 20-1-203, 20-3-205
Superintendent of public instruction
    advice, counsel, and meetings, 20-3-105
    rules, 20-3-205
Supervision of schools, 20-3-205, 20-3-207
Tax levies, See **Levies**, generally
Teachers
    annual reports, submission, 20-3-209, 20-4-301
    appeals by, 20-3-210
    assistance, 20-3-207
    certificates, registration, 20-3-205, 20-4-202
    dismissal prior to contract expiration, appeal from, 20-4-207
    emergency authorization, registration, 20-3-205
    tenured, appeal from termination decision, 20-4-204
Term of office, 20-3-202
Textbook dealers
    complaints against, 20-3-205, 20-7-605
    emoluments or inducements by, acceptance prohibited, 20-7-608
Textbooks, recommendations for selections when, 20-3-205, 20-7-602
Transportation, See **County transportation committee**; **School transportation**
Travel expenses, 20-3-203, 20-3-212
Trustees, See **School trustees**
Tuition
    agreements, disapproval, 20-5-304
    applications, approval, 20-3-205, 20-5-301, 20-5-302, 20-5-304, 20-5-311
    forms, 20-3-205, 20-5-301, 20-5-311
    fund, levy requirement, 20-5-307, 20-5-312
    payments, 20-5-312
    reciprocal agreements, 20-5-314
    reports, 20-5-306, 20-5-312
Vacancy in office, 20-3-202
Violations, See **Prohibited practices**
Visitations, school, 20-3-207

COUNTY SURVEYOR

    See also **COUNTY OFFICERS**, generally

Assistants, 7-4-2802
Duties, Title 7, chapter 4, part 28
Election of, ballot arrangement, 13-12-207, See also **COUNTY OFFICERS**
Fees, 7-4-2821, 77-1-104
Function, 7-4-2811
General provisions, Title 7, chapter 4, part 28
Planning and zoning commission, member, 76-2-102
Qualifications, 7-4-2801
Records, Title 7, chapter 4, part 28
Rural improvement districts, duties, Title 7, chapter 12, part 21
Salary, See **COUNTY OFFICERS, Salaries**
State lands
    easements, affidavit regarding, 77-2-102
    survey when, 77-1-104
Surveys, Title 7, chapter 4, part 28

COUNTY TAX APPEAL BOARD

Appraisal, notice to board, 15-15-101
Classification, notice to board, 15-15-101

COUNTY TAX APPEAL BOARD (Continued)

Compensation, 15-2-201, 15-15-101
Composition, 15-15-101
Creation, 15-15-101
Expenses, 15-15-101, 15-2-201
Jurisdiction
  air and water pollution equipment, classification — no jurisdiction, 15-6-135
  assessment, 15-1-403, 15-8-113, 15-8-305, 15-8-306, 15-8-601, 15-15-101
  appraisal, 15-7-102
  classification, 15-7-102
  livestock assessment election, 15-24-911
Meetings
  assessment statement forms to state, 15-8-302
  extension of time, 15-2-201
  notice, 15-8-705, 15-15-101
  state tax appeal board, called by, 15-2-201, 15-15-101
  when, 15-15-101
Members, 15-2-201, 15-15-101
Minutes, transmittal to state tax appeal board, 15-2-301, 15-15-103
Notice
  appraisal, 15-15-101
  classification, 15-15-101
  decision, 15-15-103
  meetings, 15-8-705, 15-15-101
Offices, 15-15-101
Powers and duties, 15-15-101, See **Jurisdiction**
Procedure
  appeal of decision, 15-1-403, 15-2-201, 15-2-301, 15-15-103, 15-15-104
  application for reduction of assessment, 15-15-102
  costs, 15-8-115
  decision, 15-15-103
  defendant, 15-8-115
  evidence, 15-15-103
  examination of applicant, 15-15-103
  hearing, 15-15-103
  jurisdiction, See **Jurisdiction**
  record, 15-15-103
Rulemaking authority, 15-2-201

COUNTY TRANSPORTATION COMMITTEE

  See **SCHOOL TRANSPORTATION**

COUNTY TREASURER

  See also **COUNTY OFFICERS; PUBLIC OFFICERS**

Abandoned horse fund, 81-4-512
  expenses of roundup, 81-4-503
  transfer of moneys, 81-4-514
Abandoned horses
  assessment, copies to, 81-4-511
  foreman of roundup, report by, 81-4-513
  fund, See **Abandoned horse fund**
  liability, 81-4-515
  limitation of powers or duties, 81-4-516
  reclaiming owners, moneys paid by, 81-4-509, 81-4-512
Abandoned vehicles, return of sale and transmittal of proceeds, 61-12-407
Accounts, settling, 7-6-2115
Actions when county is a party
  civil, payment of costs, 25-10-703, 26-2-509, 26-2-510
  criminal, payment of expenses by or payments to
    assigned counsel, 46-8-201

COUNTY TREASURER (Continued)

Actions when county is a party (Continued)
  criminal, payment of expenses by or payments to (Continued)
    autopsies, 46-4-103
    bail forfeitures, payment to, 46-9-504
    fines, deposit with, 46-17-303, 46-17-304, 46-18-603
    grand jury, expenses, 46-11-315, 46-11-319
    investigative subpoenas, 46-4-306
    search and seizure, disposition of funds from sale of unclaimed property, 46-5-305
    suspicious deaths, investigation, 46-4-103
    witnesses' expenses, payment, 46-15-104
Air carriers' property tax, receipt and transmittal, 67-1-303
Attachment of property subject to security agreements, amount of debt and interest to be deposited with, 27-18-413
Barberry control expenses, collection, 80-7-303
Boats, See **Motorboats**
Bond registration book, entries, 20-9-434, 20-9-442, 20-9-463
Books and records, inspection, 7-6-2114
Bounty fund, 81-7-203
Bounty scalps, examination and destruction, 81-7-115
Building permit fees, 76-2-108
Butchers and meat peddlers
  license fees and certificates, 81-9-102
  sale proceeds from meat held in violation, 81-9-116
Camper fee-paid decals, 61-3-524, 61-3-525
Campground fines, payment to, 50-52-105
Cesspool, septic tank, and privy cleaner licenses
  fees deposited with, 37-41-202
  fines, deposit, 37-41-212
Cigarette tax meter machines, procedure for setting and reports, 16-11-115
Coal severance tax revenues, disposition, 15-35-108
Common school fund, See **SCHOOL FINANCE, County school funds**
Communicable diseases, fines from report violations, 37-2-301
Community college districts
  moneys, deposit, 20-15-308
  treasurer, as, 20-15-210
Conservation districts
  depository, 76-15-508, 76-15-523
  payment of district money, 76-15-525
  receipt and crediting of funds, 76-15-524
  reports, 76-15-526
  settlements when, 76-15-522
Contractual obligations owed to county, preparation of delinquent list, 15-16-701 — 15-16-703
County bounty fund, 81-7-203
County high school unification, duties following, 20-6-313
County road fund
  abandoned vehicle sales, proceeds, 61-12-407
  motor vehicle fees, 61-3-203, 61-3-431
  state land equalization payments, allotment, 77-1-506
  traffic fines, 61-12-703
County sheriff as ex officio treasurer, 15-16-113
County superintendent of schools, reports to, 7-6-2801
Criminal actions, payment of expenses, See **Actions**
Cropland spraying programs, landowner's assessments — collection, 80-7-504, 80-7-505
Death in office, 7-6-2101
Deposits in court
  deposit with county treasurer, 25-8-103, 25-8-104
  deputy clerk of district court, appointment filed with, 25-8-103
  segregation of funds, 25-8-104
Deposits of public funds, interest requirements, 17-6-104
Deputies, limitation, 7-6-2102

COUNTY TREASURER (Continued)

District courts
  deposits in court, See **Deposits in court**
  facilities, charge of expenses for, 3-5-404
  reporter's certificate, payment, 3-5-604
  transcript of court proceedings, payment for, 3-5-604
  witnesses' certificates, payment, 3-5-511
Drivers' licenses
  fees, disposition, 20-7-505, 61-5-111
  sale of receipts, 61-5-111
Duties, 7-4-3002, 7-6-2111
Election of, ballot arrangement, 13-12-207, See also **COUNTY OFFICERS**
Fees, 7-6-2131, See also **License fees**; **Permit fees**
Fines and penalties
  allocation of moneys from, 20-9-331, 20-9-332
  criminal proceedings, payment to, 46-17-303, 46-17-304
Fire protection approval building permit, fees deposited with, 50-61-112
Fish and game violations, payment of prosecution costs, 87-1-104
Fish, wildlife, and parks — department-owned land, vouchers for payments in lieu of taxes, 87-1-603
Flood Control Act, federal — allocation of moneys from, 17-3-231, 17-3-232, 20-9-331
Forest lands, assessments on, 76-13-111
Forest protection
  assessments, payment, 76-13-201, 76-13-210
  violations, fines from, 76-13-114
Forest reserve moneys, federal
  allocation, 17-3-213, 20-9-331
  payments, 17-3-211
Funds, See specific fund
Gambling — money seized or confiscated, disposition, 23-5-123
General fund
  abandoned horse fund, transfers from, 81-4-514
  building permit fees, 76-2-108
  butchers and meat peddlers
    license fees, 81-9-102
    meat held in violation of provisions, sale proceeds, 81-9-116
  cesspool, septic tank, and privy cleaner fines, 37-41-212
  county superintendent of schools, travel expenses, 20-3-203
  criminal proceedings, fees and costs paid by defendant, 46-18-235
  custom combiner's tax, deposit to, 15-24-1001
  district court fees, 25-1-201, 25-1-202
  drivers' license fees, 61-5-111
  fence wire, sale proceeds, 81-4-108
  foreign vehicle window decal fees, 61-3-707
  grazing district livestock sale proceeds, transfer when, 76-16-317
  gross vehicle weight fees, 61-10-225
  health, local boards — appropriation to, 50-2-109, 50-2-111, 50-2-112
  horse herd district fund, transfers from, 81-4-327
  jury, costs of impaneling after settlement — deposit to, 3-15-205
  lakeshore protection, fines from violations, 75-7-216
  livestock
    diseased, indemnity for slaughter paid from, 81-2-203, 81-2-207
    estrays, fines from violations concerning, 81-4-621
    purebred shows and sales, expenditure for, 81-8-503, 81-8-504
  livestock deputy, special — compensation paid from, 81-6-105
  location or conformance permit fees, 76-2-207
  marriage license fees, 25-1-201
  motor vehicle fleet taxes and fees, disposition, 15-24-105
  oil and gas severance tax allocation to, 15-36-112
  tax refunds from, 15-16-601
  taylor grazing act, deposit of moneys from, 17-3-222
  timber sale or permit proceeds, 7-8-2610

COUNTY TREASURER (Continued)

General fund (Continued)
  tuberculosis patients, transportation payments from, 50-17-114
  vital statistics fees, payment from, 50-15-107
General road fund
  flood control act, federal — moneys from, 17-3-232
  forest reserve moneys, federal — deposit, 17-3-213
  motor vehicle weight limitations or prohibitions, fines from violations, 61-10-148
  single movement permit fees, 61-4-311
Grazing Act, Taylor — allocation of moneys from, 17-3-222, 20-9-331
Grazing districts, livestock sale proceeds, 76-16-317
Gross vehicle weight fees, See **Motor vehicles, generally**
Hail insurance, See also **Hail insurance fund**
  levies
    assessment and notices, 80-2-224
    collection, 80-2-230, 80-2-244
    transfer of moneys to county, 80-2-232
  liens, foreclosure, 80-2-231
  receipts for payments, issuance, 80-2-206
Hail insurance fund, deposits to, 80-2-206, 80-2-230, See also **Hail insurance**
Handicapped persons, parking permit application forms, 49-4-303
Health, local boards — funding, 50-2-109, 50-2-111, 50-2-112
Health violations, fines deposited to, 50-2-124
Highway patrol identification cards, as agent for issuance, 61-12-503
Horse herd district fund, 81-4-327
Horse herd districts, disposition of proceeds from sale of horses, 81-4-327
Hospital districts, duties, Title 7, chapter 34, part 21
Identification cards, agent for issuance, 61-12-503
Judgments against county, payment by, 25-13-205, 25-31-1111
Jurors' certificates, payment, 3-15-204
Justices' courts, fees collected to be paid into treasury, 3-10-601, 3-10-603
Libraries
  joint city-county, funds respecting, 22-1-316
  public library fund, payments from, 22-1-304
License fees, See also **Fees**; **Permit fees**
  butchers and meat peddlers, 81-9-102
  disposition, 81-7-119
  drivers, 20-7-505
  sheep, disposition, 81-7-303
License plates, See **Motor vehicle license plates**
Licensing duties, Title 7, chapter 21, part 21
Liens, tax — cancellation when, 77-2-314
Liquor license tax, disposition of revenue, 16-1-404
Livestock reserve fund, 15-24-926
Location or conformance permits, fees, 76-2-207
Meat peddlers, See **Butchers and meat peddlers**
Membership in associations, 7-5-2144
Mobile homes
  movement declaration, issuance, 15-24-206
  receipt for paid taxes, issuance, 15-24-203, 15-24-206
  stickers for paid taxes, issuance, 15-24-202
Montana highway patrol identification cards, agent for issuance, 61-12-503
Motorboats
  certificate of number, issuance, 23-2-512
  license decal, issuance, 23-2-515
Motor vehicle dealers
  new motor vehicles, stickers and documents concerning, 61-4-112
  used motor vehicles, stickers and documents concerning, 61-4-111
Motor vehicle license plates
  foreign vehicles, 61-3-701
  issuance, 61-3-331, 61-3-701
  shipment to, 61-3-331
  special mobile equipment, 61-3-433

COUNTY TREASURER (Continued)

Motor vehicle license plates (Continued)
    surrendered when, 61-6-302
    transfer, application for, 61-3-335
Motor vehicle registration
    applications
        acceptance, 61-3-303
        filing, 61-3-101, 61-3-303, 61-3-311
        forms, 61-3-303
        receipt, previous — required, 61-3-304
        transferred vehicles, for, 61-3-317
    certificate of ownership
        affidavit concerning loss, 61-3-342
        applications, 61-3-202
        fees, 61-3-203
        transfer of interest, procedures, 61-3-201
    certificate of registration
        foreign vehicles, 61-3-701
        issuance, 61-3-322, 61-3-701
        surrender when, 61-3-335
        transfer of interest
            fee, 61-3-203
            procedures, 61-3-201
    fees, 61-3-321
    foreign vehicles, 61-3-701
    liability insurance, proof required prior to, 61-6-302
    light vehicles, mail reregistration, 61-3-535
    mail reregistration, 61-3-535
    penalties, collection, 61-3-201, 61-3-317
    surrendered when, 61-6-302
    taxes, See **Motor vehicle taxes**
Motor Vehicles, Division of — reports to, when, 61-11-104
Motor vehicles, generally
    abandoned, return of sale and transmittal of proceeds, 61-12-407
    gross vehicle weight fees
        disposition, 61-10-225
        excess weight, for, 61-10-233
        forms, 61-10-225, 61-10-227
        nonresidents, payment, 61-10-213
    gross weight fines, disposition, 61-10-145
    weight limitations or prohibitions, fines from violations, 61-10-148
Motor vehicle suspense fund, 23-2-616, 61-3-509, 61-3-536
Motor vehicle taxes
    camper fee-paid decals, 61-3-524, 61-3-525
    computation, 61-3-504
    disposition, 61-3-509, 61-3-536
    junk vehicle disposal, 61-3-508
    light vehicle license fees
        disposition, 61-3-509
        foreign vehicles, 61-3-701
        mail reregistration, 61-3-535
        new vehicles, 61-3-502
        payment, 61-3-303
        revenue loss from, procedures for state payments, 61-3-536
    new vehicles, sales tax, 61-3-502
    payment, 61-3-303, 61-3-505
    revenue loss from light vehicles, procedures for state payments, 61-3-536
Nursery stock, infected — removal costs added to taxes when, 80-7-114
Orchard disease eradication expenses, collection as tax, 80-7-206
Parking permits for handicapped persons, application forms, 49-4-303
Partition securities, deposit with, 70-29-330
Permit fees, See also **Fees**; **License fees**
    building, 76-2-108

COUNTY TREASURER (Continued)

Permit fees (Continued)
  location or conformance, 76-2-207
  timber, 7-8-2610
Postsecondary vocational-technical centers
  fund, revenue credited to, 20-7-324
  fund structures, establishment, 20-7-302.1
  receipts for taxes, remittance, 20-9-212
Predator control
  bounty fund, 81-7-203
  control fund, See **Predatory animal control fund**
  license moneys, percentage for, 81-7-119
  sheep, license fee requirements, 81-7-303, 81-7-305
  tax moneys, disposition, 81-7-104, 81-7-118
Predatory animal control fund, 81-7-303, 81-7-305
Protest fund, 15-1-402
Public fund deposits, interest requirements, 17-6-104
Public library fund, payments from, 22-1-304
Receipts, Title 7, chapter 6, part 21
Records, destruction, 15-1-104
Refuse disposal districts, duties, Title 7, chapter 13, part 2
Registration of motor vehicles, See **Motor vehicle registration**
Reports, 7-6-2112, 7-6-2113, 7-6-2801
Road fund, See **County road fund**; **General road fund**
Road improvement districts, duties, Title 7, chapter 14, part 27
Salary, See **COUNTY OFFICERS**, **Salaries**
School bond issues, recording, 20-9-432
School budgets
  bond information statements, 20-9-121, 20-9-438
  cash balance statements, 20-9-121
  emergency
    copy to, 20-9-165
    financing, determination of available, 20-9-167
  final, copy to, 20-9-134
School district bonds
  copies for preservation, 20-9-434
  county high school construction bonds, investment of sale proceeds, 7-6-2802
  delivery, 20-9-435
  payments of interest and principal, entries and notification, 20-9-442
  redemption, procedures, 20-9-441
  registration, 20-9-434
  sale moneys, disposition, 20-9-435
  validity, report concerning, 20-9-463
School districts
  apportionment of moneys
    duties generally, 20-9-212
    order for, 20-3-205
  audits when, 20-9-203
  bonus payments, deposit procedures, 20-6-406
  cessation, procedures, 20-6-413
  duties generally, 20-9-212
  funds, See **School funds**
  investment of moneys, 20-9-212, 20-9-213
  joint districts, duties, 20-9-202, 20-9-212
  lease and rental moneys deposited with, 20-9-509
  new elementary, fund procedures, 20-6-415
  records, accounting
    appropriations, entry on, 20-9-206
    generally, 20-9-212, 20-9-331, 20-9-333
  refunds or rebates, crediting, 20-9-224
  reports
    funds, regarding, 20-9-212
    public education, board of — to, 20-9-344

COUNTY TREASURER (Continued)

School districts (Continued)
  state equalization aid
    apportionment, 20-9-347
    distribution to, 20-9-346
  warrants
    issued, listing provided to, 20-9-221
    nonpayment when, 20-9-222
    payment, 7-6-2801, 20-9-222
    recording, 20-9-222
    unpaid
      call for payment, 7-6-2605
      interest, 7-6-2604
      redemption, order of, 7-6-2606
School funds
  cash balance statements, 20-9-121
  counties, creation — procedures concerning, 7-2-2253
  debt service fund
    maintenance and payments from, 20-9-440
    remaining, disposition, 20-9-443
  endowment fund, liability, 20-9-604
  food services fund, allocation of federal funds, 20-10-205
  forest lands, state — profits from, 77-1-216
  management, 7-6-2801
  new elementary districts, procedures, 20-6-415
  refunds or rebates, crediting, 20-9-224
  reports regarding, 20-9-212
  state land equalization payments, allotment and use, 77-1-506, 77-1-507
  traffic education fund, 20-7-507
  transfers, 7-2-2253
School transportation
  bus depreciation reserve cash balance transfers, 20-10-147
  reimbursements
    county, apportionment, 20-10-146
    state, payment of claims, 20-10-145
School tuition payments, procedures, 20-5-312
Secured transactions
  attachment of property subject to, amount of debt and interest to be deposited with, 27-18-413
  execution upon, duties, 25-13-505, 25-13-506
Sewage fees, deposit with, 50-2-116
Sheriff as ex officio treasurer, 15-16-113
Single movement permits, issuance, 61-4-310
Snowmobiles
  certificate of ownership issued by, 23-2-611, 23-2-619
  decal for fee in lieu of property tax, issuance, 23-2-616 — 23-2-618
  fees, registration — disposition, 23-2-611, 23-2-612
  registration duties, 23-2-616
  transfer of ownership, duties, 23-2-612
State grazing district fund, 76-16-317
State lands
  equalization payments, 77-1-505
    distribution, 77-1-506
  reversion to state, 77-2-314
  weed control assessments and tax levies, collection, 77-6-114
Stockmen's special deputy fund, 81-6-104, 81-6-204, 81-6-209
  deputy, compensation paid from, 81-6-105
Subdivision proposals, certification that no delinquent taxes exist, 76-3-611
Suspension, 7-6-2103
Taxation
  action to collect, initiation, 15-16-501 — 15-16-505
  applicability of laws, 7-6-2503

COUNTY TREASURER (Continued)

Taxation (Continued)
- assessment
  - duplicate, 15-16-105
  - personal property without sufficient security, 15-16-111 — 15-16-113
  - property in possession of, 15-8-504
  - violations, disposition of fines, 15-8-309
- assessment book
  - corrections by, 15-8-707
  - county tax appeal board, entries when failure or refusal to hear, 15-15-103
  - delivery to, 15-10-307, 15-10-308
  - personal property without sufficient security, 15-16-112
- banks and building and loan associations
  - refund warrants, issuance, 15-31-701
  - transmittal of revenues to, 15-31-701, 15-31-702
- cancellation of delinquent taxes, 15-16-701 — 15-16-704
- coal, gross proceeds tax — collection, 15-23-703
- coal severance tax revenues, 15-35-108
- collection by, 7-6-2503, 15-16-104, 15-16-113, 15-16-114
- delinquencies, duties, 15-16-301 — 15-16-303, 15-16-305, 15-16-401, 15-16-501 — 15-16-505, 15-17-101
  - 10-year list, 15-16-701 — 15-16-703
- distribution of revenue, 15-16-114, 15-16-502
- execution, issuance, 15-16-401
- fines, forfeitures, and penalties — deposit with, 15-1-105, 15-16-502
- inheritance tax, collection, 15-1-502, 15-1-503
- levies which exceed certified millage, resolution or ordinance forwarded to, 15-10-205
- liens
  - priority of lien, notice to mortgagee or lienholders, 15-16-402
  - state lands, cancellation upon reversion, 77-2-314
- livestock
  - migratory livestock fund, deposits to, 15-24-942, 15-24-943
  - payment to, 15-24-941, 81-8-804
  - refund for overpayment, 15-24-910
  - reserve fund, 15-24-926
  - transmittal of funds to state, 15-24-925
- mines, metal mines — gross proceeds tax, collection, 15-23-804
- mines, net proceeds tax — collection, 15-23-507
- mobile homes, 15-24-202, 15-24-203, 15-24-206
- natural disaster, collection when property destroyed by, 15-16-611
- notice of taxes and assessments due, 15-16-101
- oil and gas net proceeds tax — collection, 15-23-607
- oil and gas severance tax, allocation and disposition of revenue, 15-36-112
- payment, entry and receipt, 15-16-104, 15-16-115, 15-16-502
- poll tax, collection, 15-16-116
- poor taxes, collection, 15-16-117
- protest payments to, 15-1-402, 15-8-115
- records, destruction, 15-1-104
- refunds by, 15-16-601
- road tax, collection, 15-16-117
- settlement with
  - county clerk, 15-1-506, 15-16-302, 15-16-305
  - state auditor, 15-16-601
  - state treasurer, 15-1-504
- sheriff as ex officio treasurer, 15-16-113
- tax deed
  - action for, party defendant, 15-18-302
  - issuance, 15-18-201, 15-18-203 — 15-18-205, 15-18-307, 15-18-308
  - notice for, 15-18-403
- tax sales
  - assessment irregularities, 15-17-111
  - certificate by, 15-17-204, 15-17-207, 15-17-303
  - conduct by, 15-17-201

COUNTY TREASURER (Continued)

Taxation (Continued)
  tax sales (Continued)
    county as purchaser, when, 15-17-207, 15-17-208, 15-17-303
    description of land, entry, 15-17-205
    disposition of proceeds, 15-17-902
    execution, upon writ of, 15-16-401
    manner of, 15-17-201
    no purchaser, 15-16-501
    notice, 15-17-101, 15-17-102
    payments, entry, 15-17-205
    personal property, on, 15-16-401, 15-16-501, 15-17-901
    place of sale in front of office, 15-17-101
    poor taxes, for, 15-16-117
    portion of parcel, request for sale to, 15-17-202
    protest to, 15-17-112, 15-17-113
    redemption, 15-18-103, 15-18-105 — 15-18-108, 15-18-305
    voided sale, 15-17-312
    when, 15-16-113, 15-16-501
  transfers of property, collection and recording, 15-8-702
  water conservation projects, state — cancellation of taxes upon acquisition, 15-6-205
Taylor Grazing Act, allocation of moneys from, 17-3-222, 20-9-331
Television districts, duties, Title 7, chapter 13, part 25
Timber sale or permit proceeds, distribution, 7-8-2610
Traffic education fund, 20-7-507
Traffic fines and bail forfeitures, disposition, 20-7-505
Trailer park fines, payment to, 50-52-105
Transporters, driveaway or towaway — single movement permits, issuance, 61-4-310
Tuberculosis treatment and examination proceedings, payment of costs, 50-17-114
Unclaimed property, surplus proceeds from sale, 70-9-404, 70-9-502, 70-24-430
Vital statistics fees, payment to local registrars, 50-15-107
Vocational education, See **Postsecondary vocational-technical centers**
Weed control assessments and tax levies, collection, 77-6-114
Witness fees, See **Actions when county is a party**

COUNTY WATER AND/OR SEWER DISTRICTS

Addition of land to, Title 7, chapter 13, part 23
Administrative personnel, Title 7, chapter 13, part 22
Auditor, See **Administrative personnel**
Board of directors, Title 7, chapter 13, part 22
Bonded indebtedness, Title 7, chapter 13, part 23
Bonds, Title 7, chapter 13, part 23
  public fund deposits, security for, 17-6-103, 17-6-211
Consolidation, Title 7, chapter 13, part 23
Creation, See **Petitions**
Definitions, 7-13-2201
Directors, See **Board of directors**
Elections, Title 7, chapter 13, part 22
Exclusion of land from, Title 7, chapter 13, part 23
General manager, See **Administrative personnel**
Incorporation, Title 7, chapter 13, part 22
Initiative and referendum, Title 7, chapter 13, part 22
Interpretation of provisions, 7-13-2202
Ordinances and resolutions, Title 7, chapter 13, part 22
Organization, Title 7, chapter 13, part 22
Petitions, Title 7, chapter 13, part 22
Plans and specifications, 18-2-122
Powers, Title 7, chapter 13, part 22
Protest, Title 7, chapter 13, part 22
Referendum, See **Initiative and referendum**
Resolutions, See **Ordinances and resolutions**
Secretary, See **Administrative personnel**

COUNTY WATER AND/OR SEWER DISTRICTS (Continued)

Services, charges for, Title 7, chapter 13, part 23
Tax levies, Title 7, chapter 13, part 23

COUNTY WEED BOARD

See **WEEDS AND WEED CONTROL**

COUNTY WELFARE DEPARTMENTS

Abused, neglected, and dependent children
  adoption, consent by, 41-3-302
  case records, confidentiality, 41-3-205
  child protective teams, 41-3-108
  custody when, 41-3-302
  emergency reports, response to, 41-3-302
  interagency cooperation, 41-3-107
  investigations and resulting reports, 41-3-208, 41-3-405
  protective services for, responsibility, 41-3-301, 41-3-302
Adoption proceedings and records, confidentiality, 40-8-126
Aid to dependent children, Title 53, chapter 4, part 2
Child custody proceedings
  authority for custody when, 41-3-302
  decree, supervision when, 40-4-218
Children, See **Minors**
Child support, See **Support, reciprocal enforcement**
County poor fund, See **Poor fund**
Generally, Title 53, chapter 2, part 3
Juveniles, See **Minors**
Liability for payments
  aid to dependent children, Title 53, chapter 4, part 2
  generally, Title 53, chapter 2, part 6; Title 53, chapter 3, part 3
Meat from confiscated game donated by Department of Fish, Wildlife, and Parks when, 87-1-512
Medicaid, Title 53, chapter 6, part 1
Minors
  abused, neglected, and dependent, See **Abused, neglected, and dependent children**
  aid to dependent children, See **Aid to dependent children**
  child custody proceedings, See **Child custody proceedings**
  child support, See **Support, reciprocal enforcement**
  interstate compact on juveniles, Title 41, chapter 6, See **MINORS**
  school attendance, assistance to facilitate, 20-5-107
  support of youth in custodial agency, financial investigations concerning, 41-5-805, 41-5-806
Optometric services, discrimination by public agencies prohibited, 37-10-104
Paternity proceedings — department appointed as guardian ad litem when, 40-6-110
Poor fund, Title 53, chapter 2, part 3
School food services for indigent pupils, certification of indigency, 20-10-205
Social workers, See **SOCIAL WORKERS**
Support, reciprocal enforcement — request for representation of obligee when, 40-5-113

COURT ADMINISTRATOR

See also **PUBLIC OFFICERS**, generally

Appointment, 3-1-701
Attorney at law, practice as prohibited, 3-1-601
Cooperation of court officers with, 3-1-703
Creation of office, 3-1-701
Duties, 3-1-702
Law practice prohibited, 3-1-601

COURT CALENDAR PRECEDENCE

District court
  administrative proceedings, application for subpoena enforcement or to compel testimony, 2-4-104

COURT CALENDAR PRECEDENCE (Continued)

District court (Continued)
  air carrier violations, 67-3-427
  child custody hearings, 40-4-216, 40-7-125
  criminal proceedings, 46-16-101
  declaratory judgment, Title 25, chapter 20, M.R.Civ.P., Rule 57
  elections
    campaign orders of noncompliance, review, 13-37-122
    contests, 13-36-206, 13-36-208
  electric suppliers, hearings on omissions or violations, 69-5-111
  given statutorily, Title 25, chapter 20, M.R.Civ.P., Rule 40
  injunction hearings, 27-19-318, 27-19-319
  lobbying violations, trials, 5-7-305
  minors — petitions alleging abuse, neglect, and dependency, 41-3-401
  new trial, hearings on motion, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
  oil and gas conservation, board of — adjudication of decisions, 82-11-144
  public service commission orders, actions to challenge, 69-3-402
  quo warranto proceedings, 27-28-106
  railroad proceedings, 69-14-131, 69-14-132
  recall petitions, sufficiency, 2-16-615
  restraining orders without notice, motion to dissolve or modify, 27-19-319
  school property sale or disposal, appeal of resolution for, 20-6-604
  statutes, given by, Title 25, chapter 20, M.R.Civ.P., Rule 40
  unfair trade practices, 30-14-220
  veterans reemployment, 10-2-226
  youth court adjudicatory hearing, 41-5-521
Railroad proceedings, 69-14-131, 69-14-132
Supreme court
  air carriers, appeals by, 67-3-427
  arrest of appellant, appeal from, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  attachments, appeal from orders regarding, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  chronological, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  criminal appeals, 46-20-601
  death penalty, review, 46-18-308
  electric suppliers, appeals, 69-5-111
  injunction
    appeal from order regarding, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
    granting, 27-19-318
  motor vehicle financial responsibility decisions or orders, appeals from, 61-6-106
  parent-child legal relationship termination orders or decrees, appeals from, 41-3-612
  public service commission actions, appeal from court decree regarding, 69-14-134, 69-14-135
  quo warranto proceedings, 27-28-106
  railroad proceedings, 69-14-131, 69-14-132
  receivers, appeal from orders regarding, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  workers' compensation appeals, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  youth court judgments, appeals from, 41-5-532
Youth court adjudicatory hearing, 41-5-521

COURT OF IMPEACHMENT

  See **IMPEACHMENT, Court of**

COURT REPORTERS

  See specific court

COURTS

  See also generally **CIVIL PROCEDURE**; **CRIMINAL PROCEDURE**; **JUDGES AND JUSTICES**; specific court

Abbreviations used in proceedings, 3-1-315

COURTS (Continued)

Adjournment, See also **CIVIL PROCEDURE, Continuance or postponement; CRIMINAL PROCEDURE, Continuance**; specific court
  absence of judge, 3-1-304, 3-1-305
  criminal proceedings, 46-16-505
  holidays, 3-1-303
  judge's absence, 3-1-304, 3-1-305
  master, authority, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
  nonjudicial days, 3-1-303
  vacancy in judicial office, effect, 3-1-311
Affidavits, See also **AFFIDAVITS**, generally; **EVIDENCE**
  filing with, 26-1-1012
  taken in, 26-1-1003 — 26-1-1006
Bonds, official — for officers, See **SURETY BONDS, Official bonds**
Calendar, See **COURT CALENDAR PRECEDENCE**
City courts, See **CITY COURTS**
Civil procedure, See **CIVIL PROCEDURE**
Clerk of the court, See **CLERK OF THE DISTRICT COURT**; specific court
Conciliation court, See **CONCILIATION**
Conduct of business, powers respecting, 3-1-111
Contempt, See **CONTEMPT**
Costs, See **CIVIL PROCEDURE, Costs; FEES, Courts**
Court administrator, See **COURT ADMINISTRATOR**
Court calendar, See **COURT CALENDAR PRECEDENCE**
Courts-martial, See **MILITARY AFFAIRS, Courts**
Courts of justice enumerated, 3-1-101
Courts of record
  enumerated, 3-1-102
  rulemaking authority, 3-1-112
Crier of the court, See specific court
Criminal procedure, 46-1-101, See **CRIMINAL PROCEDURE**
Days on which courts may be convened, 3-1-301, See also **Nonjudicial days**
Deaf persons, interpreters for, 49-4-503, See **DEAF PERSONS, Interpreters in official proceedings**
Debt adjustment, 31-3-203
Decisions
  common law, applicability, 1-1-108, 1-1-109
  correctness of reports, presumption, 26-1-602
  principles of making, Title 1, chapter 3, See **LAW, Maxims of jurisprudence**
  rule of, common law as, 1-1-108, 1-1-109
  unwritten law collected from, 1-1-107
Decrees, See **JUDGMENTS AND DECREES**
Defined, 3-1-101, 3-1-102, 46-1-201
District courts, See **DISTRICT COURTS**
Docketing, See **COURT CALENDAR PRECEDENCE**; specific court
English language to be used, 3-1-314
Enumerated, 3-1-101
Evidence, powers generally, See **EVIDENCE**
Facilities, exemption from execution, 25-13-613
Falsification to, See **CRIMES**
Figures used in proceedings, 3-1-315
Generally, Title 3, chapter 1
Holidays, See **Nonjudicial days**
Immunity from liability, 2-9-112, See also **TORTS, Governmental entities**
Impeachment, court of, See **IMPEACHMENT, Court of**
Improper influence, See **CRIMES, Public officers and employees**
Interpreters for deaf persons, 49-4-503, See **DEAF PERSONS, Interpreters in official proceedings**
Judges, See **JUDGES AND JUSTICES**
Judgments, See **JUDGMENTS AND DECREES**
Judicial days, 3-1-301, See also **Nonjudicial days**
Judicial Nomination Commission, Title 3, chapter 1, part 10, See **JUDGES AND JUSTICES**

COURTS (Continued)

"Judicial record" defined, 1-1-202
Judicial Standards Commission, Title 3, chapter 1, part 11, See **JUDGES AND JUSTICES**
Juries and jurors, See **JURIES AND JURORS**
Jurisdiction, See also specific court
  child custody, cooperation with other states, See **CHILD CUSTODY, Uniform Child Custody Jurisdiction Act**
  civil, Title 25, chapter 20, M.R.Civ.P., Rule 4B
    remedies and enforcement of orders not affected by criminal code, 45-1-104
  criminal code, effect 45-1-104
  implementation, 3-1-113
  presumption that exercise is lawful, 26-1-602
Justices, See **JUDGES AND JUSTICES**
Justices' courts, See **JUSTICES' COURTS; SMALL CLAIMS COURT — JUSTICES' COURTS**
Juveniles, See **YOUTH COURT**
Masters
  accounts, statement of, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
  appointment, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
  compensation, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
  contempts before, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
  default judgment, for, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  evidence, handling by, Title 25, chapter 20, M.R.Civ.P., Rules 53(c), 53(e)
  findings of fact by, effect, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
  judgment
    default, reference for, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
    report is not, Title 25, chapter 20, M.R.Civ.P., Rule 54(a)
  judicial standards commission, appointment for hearings of, 3-1-1105, 3-1-1106
  meetings of parties, Title 25, chapter 20, M.R.Civ.P., Rule 53(d)
  order of reference, Title 25, chapter 20, M.R.Civ.P., Rules 53(c), 53(d)
  partner's authority to submit claim to, 35-10-301
  powers, Title 25, chapter 20, M.R.Civ.P., Rule 53(c)
  pretrial conference, Title 25, chapter 20, M.R.Civ.P., Rule 16
  reference to, 25-9-104; Title 25, chapter 20, M.R.Civ.P., Rules 16, 53(b), 53(c)
  report of, Title 25, chapter 20, M.R.Civ.P., Rules 53(a), 53(c), 53(e), 54(a)
  water masters, See **WATER COURTS**
  witnesses, Title 25, chapter 20, M.R.Civ.P., Rules 53(c), 53(d)
Military courts, See **MILITARY AFFAIRS, Courts**
Minors, See **YOUTH COURT**
Money, expression, 30-12-601, 30-12-602
Motions and orders, See **MOTIONS AND ORDERS**
Municipal courts, See **MUNICIPAL COURTS**
Nonjudicial days
  adjournment when, 3-1-303
  business permissible on, 3-1-302
  defined, 3-1-302
Numbers used in proceedings, 3-1-315
Oaths, power to administer, 1-6-101, 3-1-111
Officers' official bonds, See **SURETY BONDS, Official bonds**
Order
  criminal code, effect, 45-1-104
  enforcement power, 3-1-111
Papers, See **Records and papers**
Police courts, See **CITY COURTS**
Powers
  criminal code, effect, 45-1-104
  evidence, See **EVIDENCE**
  generally, 3-1-111
  jurisdiction, implementation, 3-1-113
  rules of court, power to make, 3-1-112
Printing Control Act, State, Title 18, chapter 7, part 3, See **PRINTING, State printing control**

COURTS (Continued)

Private sittings permitted when, 3-1-312, 3-1-313
Proceedings, conduct of, See also generally **CIVIL PROCEDURE**; **COURTS**; **CRIMINAL PROCEDURE**
  charge or tax on, unlawful, 3-1-112
  contempt, See **CONTEMPT**, generally
  english language to be used, 3-1-314
  generally, 3-1-111
  not addressed by code, 3-1-113
  privacy permitted when, 3-1-313
  public, to be, 3-1-312
  vacancy in judicial office, effect, 3-1-311
Public sittings required, 3-1-312
Records and papers
  abbreviations, 3-1-315
  criminal history record information, exclusion, 44-5-103
  english language to be used, 3-1-314
  judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
  management and preservation, 2-6-203, 22-3-203, See also **PUBLIC RECORDS**
  numbers, 3-1-315
  preservation, 44-5-401
  public records, as, See **PUBLIC RECORDS**, generally
  seal of court required when, 3-1-206
Referees
  applicability of laws, 37-61-307; Title 25, chapter 20, M.R.Civ.P., Rule 53(a), See **Masters**
  attachment, for proceedings in aid of, 27-18-503
  banks, dishonor of documentary draft, 30-4-503
  contempt before, 3-1-512
  fees, 25-10-201
  masters, as, Title 25, chapter 20, M.R.Civ.P., Rule 53(a), See **Masters**
  oath, 25-7-701
  objection to appointment
    grounds, 25-7-702
    procedure, 25-7-703
  partition proceedings, See **PARTITION**
  paternity proceedings conducted before, 40-6-111
  postponement, imposition of costs, 25-10-203
Reporters, See specific court
Rules of Appellate Civil Procedure, Title 25, chapter 21, See **APPEALS, CIVIL**, generally
Rules of Civil Procedure, Title 25, chapter 20, See **CIVIL PROCEDURE**, generally
Rules of court
  failure to adopt or comply with, 3-1-112
  judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
  power to make, 3-1-112
  publication, 25-3-502, 25-3-503
Rules of Evidence, Title 26, chapter 10, See **EVIDENCE**, generally
Seals, Title 3, chapter 1, part 2, See specific court
  affixation, 1-4-202
Small claims court, See **SMALL CLAIMS COURT — DISTRICT COURT**; **SMALL CLAIMS COURT — JUSTICES' COURTS**
Sovereign immunity, See **SOVEREIGN IMMUNITY**; **TORTS, Governmental entities**, immunity from liability
State Printing Control Act, Title 18, chapter 7, part 3, See **PRINTING, State printing control**
Stenographers, See **Reporters** under specific court
Supreme court, See **SUPREME COURT**
Tax on proceedings unlawful, 3-1-112
Torts, See **TORTS, Governmental entities**
Town courts, See **CITY COURTS**; **MUNICIPAL COURTS**
Vacancy in judicial office, effect, 3-1-311
Water courts, See **WATER COURTS**
Water Well Contractors, Board of — judicial notice of seal, 37-43-201

COURTS (Continued)

Witnesses, See **WITNESSES**
Workers' compensation, See **WORKERS' COMPENSATION, Judge**
Youth court, See **YOUTH COURT**

COURTS-MARTIAL

See **MILITARY AFFAIRS, Courts**

COURTS OF RECORD

See also **COURTS**, generally; specific court

Enumerated, 3-1-102

COVENANTS

See **DEEDS AND CONVEYANCES; OBLIGATIONS**, generally; **PERSONAL PROPERTY; REAL PROPERTY**

COWS

See **LIVESTOCK**, generally

COYOTES

See **PREDATORS AND PREDATOR CONTROL**

C.P.A.

See **ACCOUNTANTS**

CRANES

See **HOISTING ENGINES**

CREAM, CREAMERIES, AND CREAM STATIONS

See **DAIRIES AND DAIRY PRODUCTS**

CREDIT INSURANCE

See **INSURANCE — CASUALTY**, generally

CREDIT LIFE AND DISABILITY INSURANCE

See **INSURANCE — LIFE**

CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE, MODEL ACT FOR THE REGULATION OF, Title 33, chapter 21

See **INSURANCE — LIFE, Credit life and disability**

CREDIT TRANSACTIONS

See also **DEBTS, DEBTORS, AND CREDITORS**

Auctions, 30-11-506
Banks and trust companies, See **BANK DEPOSITS AND COLLECTIONS; BANKS AND TRUST COMPANIES**, generally

CREDIT TRANSACTIONS (Continued)

Building and loan associations, See **BUILDING AND LOAN ASSOCIATIONS**, generally
Consumer loan businesses, See **CONSUMER LOAN BUSINESSES**, generally
Consumer reports, effect, 31-3-131
Credit cards
  installment sales, See **Retail installment sales**
  late payment charge, 31-1-501, 31-1-502
  theft, See **CRIMES, Theft**
  unlawful use
    deceptive practices, 45-6-317
    gambling with, 23-5-314, 23-5-417, 23-5-505
Credit life and disability insurance, See **INSURANCE — LIFE**
Credit rating, effect, 31-3-131, See **CONSUMER PROTECTION, Investigation and reporting**
Credit unions, See **CREDIT UNIONS**, generally
Development credit corporations, See **DEVELOPMENT CREDIT CORPORATIONS**, generally
Discrimination prohibited in credit transactions, See **DISCRIMINATION**
Electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Factors, See **SALES**
Finance companies, See **CONSUMER LOAN BUSINESSES**, generally
Gambling on, prohibited, 23-5-314, 23-5-417, 23-5-505
Group life insurance, See **INSURANCE — LIFE, Group life; Groups and group requirements**
Guaranty, See **GUARANTY**
Insurance
  credit life and disability, See **INSURANCE — LIFE, Credit life and disability**
  group life, See **INSURANCE — LIFE, Group life; Groups and group requirements**
Insurers, restrictions regarding, 33-18-501
Investigators, private — nonapplicability of licensing provisions, 37-60-105
Junk dealers, See **PAWNBROKERS AND JUNK DEALERS**
Late payment charge for retail sales, 31-1-501, 31-1-502
Letters of credit, See **LETTERS OF CREDIT**
Life and disability insurance, See **INSURANCE — LIFE, Credit life and disability**
Loan companies, See **CONSUMER LOAN BUSINESSES**
Loans, See **LOANS**
Losses as cost of doing business, 30-14-202
Pawnbrokers and junk dealers, See **PAWNBROKERS AND JUNK DEALERS**
Private investigators, nonapplicability of licensing provisions, 37-60-105
Retail installment sales, See also **SECURED TRANSACTIONS**
  administrative rules, 31-1-211
  applicability of laws, 30-9-201, 30-9-203, 31-1-202, 31-1-501
  breach, 30-2-612
  cash sale price
    contract, statement in, 31-1-231
    defined, 31-1-202
  chattel mortgage as, 31-1-202
  citation of retail installment sales act, 31-1-201
  commerce, department of
    investigation, 31-1-212
    licensing of businesses, 31-1-221, 31-1-222
    oaths, administration, 31-1-211
    rulemaking authority, 31-1-211
    subpoena power, 31-1-211
  complaints, 31-1-212
  contempt, 31-1-211
  contract
    blank spaces, 31-1-231
    buyer, copy to, 31-1-232
    defined, 31-1-202
    formal requirements, 31-1-231
    insurance terms, 31-1-233

CREDIT TRANSACTIONS (Continued)

Retail installment sales (Continued)
  contract (Continued)
    rescission, 31-1-232
    refinancing, 31-1-243
    violation of provisions, 31-1-203
  deferred payments, 31-1-243
  definitions, 30-2-612, 31-1-202
  delinquency, 31-1-203, 31-1-235, 31-1-243
  equity, transfer, 31-1-234
  examination of records, 31-1-211, 31-1-212
  extension, 31-1-243
  fees
    delinquency, 31-1-235
    license, 31-1-221
    official, 31-1-202, 31-1-231
    transfer of equity, 31-1-234
  finance charges
    agreement, 31-1-241
    calculation, 31-1-241
    contract, statement in, 31-1-231
    defined, 31-1-202
    increase, 31-1-241
    lawful charges, 31-1-241
    limitation, 31-1-241
    prepayment, effect, 31-1-242
    recovery, 31-1-203
    refinancing, effect, 31-1-243
  insurance, 31-1-231, 31-1-233
  investigation by department of commerce, 31-1-212
  license to conduct business, 31-1-203, 31-1-221, 31-1-222
  motor vehicles
    contract requirements, 31-1-231
    defined, 31-1-202
    finance charges, 31-1-241
    insurance, 31-1-231
  official fees
    contract, statement in, 31-1-231
    defined, 31-1-202
  payment
    deferred, 31-1-243
    delinquent, 31-1-203, 31-1-235, 31-1-243, 31-1-501
    partnership not created by, 35-10-202
    prepayment, 31-1-231, 31-1-242, 31-1-243
    presumption, 26-1-602
    refinancing, 31-1-243
    statement of, 31-1-236
  prepayment, 31-1-231, 31-1-242, 31-1-243
  rescission of contract, 31-1-232
  refinancing, 31-1-243
  rulemaking authority, 31-1-211
  secured transactions, applicability of laws, 30-9-201, 30-9-203
  security
    contract, statement in, 31-1-231
    release, 31-1-236
  subpoenas, 31-1-211
  transfer of equity, 31-1-234
  violations, 31-1-203, 31-1-211
  waiver of statutory provisions void, 31-1-204
Retail Installment Sales Act, Title 31, chapter 1, part 2, See **Retail installment sales**
Sales
  creditor's rights, See **SALES**
  retail, late payment charge, 31-1-501, 31-1-502

CREDIT TRANSACTIONS (Continued)

Secured transactions, See **SECURED TRANSACTIONS**
Taxation, See **TAXATION**
Wage brokers, Title 31, chapter 1, part 3, See **LOANS**

CREDIT UNION ACT, Title 32, chapter 3
  See **CREDIT UNIONS**, generally

CREDIT UNIONS

Accounts, See **Shares and accounts**
Additional offices, 32-3-104
Advertising falsely as credit union unlawful, 32-3-103
Agent, See generally **Liquidation**; **Officers and employees**
Annual meeting, See **Membership**, meetings of members
Articles of incorporation, See **Incorporation**
Audit report, in lieu of examination by department of commerce, 32-3-203
Bankruptcy, See **Liquidation**, generally
Board of directors, See **Directors, board of**
Borrowing by, See **Indebtedness of**
Borrowing from, See **Loans**
Business transactions allowable, 32-3-401
Bylaws, See **Incorporation**
Campaign depositories, as, 13-37-205
Capital stock, See **Shares and accounts**
Central credit unions
  membership composition, 32-3-401, 32-3-802
  name requirements, 32-3-801
  organization authorized, 32-3-801
  rights and powers, 32-3-804
  voting representative — designation, eligibility to hold office, 32-3-803
Certificates
  approval, 32-3-301
  dissolution, 32-3-321
  incorporation, 32-3-301, See **Incorporation**
  merger, 32-3-322
Charter, See **Incorporation**
Checking account services prohibited, 32-3-401
Christmas club, 32-3-503, See also **Shares and accounts**
Citation of Montana Credit Union Act, 32-3-101
Closure, See **Liquidation**
Commerce, Department of
  additional offices, approval, 32-3-104
  articles of incorporation
    amendment, approval, 32-3-303
    approval, 32-3-301
    forms for, 32-3-302
  bylaws
    amendment, approval, 32-3-303
    approval, 32-3-301
    forms for, 32-3-302
  conversion of charter, approval, 32-3-323
  director of department to administer laws, 32-3-201
  directors, board of — record filed with, 32-3-404
  examinations by, 32-1-214, 32-1-215, 32-3-203, 32-3-611, See also **Examinations**
  federal chartered credit union, authority to operate as given by, 32-3-206
  incorporation, authority in, 32-3-301
  liquidation, voluntary — authority in, 32-3-321
  merger, authority in, 32-3-322
  powers generally, 32-3-201
  records of credit unions, rulemaking authority, 32-3-204

CREDIT UNIONS (Continued)

Commerce, Department of (Continued)
  relocation of credit union, notice to department, 32-3-104
  reports to, 32-3-202, 32-3-417, See **Reports**
    availability to national credit union administration, 32-3-611
  reserves, distribution approved by, 32-3-703
  rulemaking authority, 32-3-201
  subpoena power, 32-3-203
  supervisory authority, 32-3-201
  supervisory committee of credit union, reports by, 32-3-417
  suspension of charter by, 32-3-205
Committee, supervisory, See **Supervisory committee**
Common bond of members, 32-3-304
Conflict of interest, 32-3-407
Consolidation, See **Merger**
Consumer loan business, exempt from licensee requirements respecting, 32-5-103
Continual succession, 32-3-301
Contracts, authorized, 32-3-401
Contributions, 32-3-401
Conversion of charter, 32-3-323, See also **Merger**
Credit, See **Loans**
Credit committee
  appointment, 32-3-403, 32-3-412
    record filed with department of commerce, 32-3-404
  authority, 32-3-413
  central credit union, membership in, 32-3-802, See also **Central credit unions**
  compensation, 32-3-406
  credit manager as, 32-3-416
  loans, See also **Loans**
    approval, 32-3-414
    loan officer appointed, 32-3-415
    loans to members of committee, 32-3-608
    supervision, 32-3-413
  meetings, 32-3-414
  record of, filed with department of commerce, 32-3-404
  removal of members, 32-3-412, 32-3-418
  suspension of members, 32-3-412, 32-3-418
  vacancies, how filled, 32-3-405
Credit manager, 32-3-416
Crimes, See **Unlawful practices**
Debts, See **Indebtedness of**
Definitions, 32-3-102
Depositories for credit union funds, 32-3-401, 32-3-412
Deposits, See **Shares and accounts**
Development credit corporations, membership in, 32-4-101, 32-4-302, See also **DEVELOPMENT CREDIT CORPORATIONS**, generally
Directors, board of
  authority, 32-3-409
  central credit union, See also **Central credit unions**
    membership in, 32-3-802
    voting representative, designation, 32-3-803
  compensation, 32-3-406
  conflict of interest, 32-3-407
  credit committee, See **Credit committee**
  credit manager, empowered by directors, 32-3-416
  election, 32-3-301, 32-3-403
  executive committee, 32-3-410
    meetings, 32-3-411
  executive officers, election, 32-3-408
  expenses, 32-3-406
  insurance, liability, 32-3-610
  liquidation, voluntary — directors' duties, 32-3-321
  loans to, by credit union, 32-3-608, See also **Loans**

CREDIT UNIONS (Continued)

Directors, board of (Continued)
  meetings, 32-3-411
  membership
    fees set by directors, 32-3-401
    responsibility respecting, 32-3-308, 32-3-412
  merger, 32-3-322
  powers and duties generally, 32-3-412
  record of, filed with department of commerce, 32-3-404
  supervisory committee, See **Supervisory committee**
  suspension notice, action on, 32-3-205
  term, 32-3-403
  vacancies, how filled, 32-3-405
  voting age at annual meeting, determination of, 32-3-310
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Disincorporation, See **Liquidation**
Dissolution, See **Liquidation**
Dividends, See **Shares and accounts**
Earnings, See **Reserves**; **Shares and accounts**
Election campaign depositories, as, 13-37-205
Electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Employees, See **Officers and employees**
Enforcement of credit union laws generally, 32-3-201, 32-3-419
Ethics, 32-3-407
Examinations, by department of commerce, 32-3-203
  audit report in lieu of examination, 32-3-203
  national credit union administration, administrator — examination availability to, examination by, 32-3-611
  special examinations, 32-1-214, 32-1-215
Expansion, See **Merger**
False advertising as, 32-3-103
Federal chartered credit union
  conversion of charter, 32-3-323
  operation as, 32-3-206
Fees
  articles of incorporation, filing, 32-3-301
  chartering, 32-3-201
  entrance, 32-3-304, 32-3-401, 32-3-505, 32-3-506
  examination, 32-3-201
  membership, 32-3-304, 32-3-401, 32-3-505, 32-3-506
  money transactions, 32-3-401
  special examination, 32-1-215
  supervision, 32-3-201
Fiscal year, 32-3-105
Group life insurance, See **INSURANCE — LIFE, Group life**; **Groups and group requirements**
Impairment, See **Liquidation**
Incorporation
  articles of incorporation
    amendment, 32-3-303
    contents, 32-3-301
    failure of supervisory committee to comply, 32-3-418
    filing, 32-3-301
    form for, supplied by department of commerce, 32-3-302
  bylaws
    amendment, 32-3-303
    executive officers, duties defined in, 32-3-408
    failure of supervisory committee to comply, 32-3-418
    form for, supplied by department of commerce, 32-3-302
    meetings of members, 32-3-310
    membership requirements defined in, 32-3-304
    preparation, adoption, and execution, 32-3-301

CREDIT UNIONS (Continued)

Incorporation (Continued)
  certificate of approval, 32-3-301
    discrimination in issuance, denial, or revocation prohibited, 49-3-204
  certificate of incorporation, 32-3-301
    discrimination in issuance, denial, or revocation prohibited, 49-3-204
    transaction of business without, 32-3-301
  directors, board of, See **Directors, board of**
  incorporators, 32-3-301
  perpetual existence, 32-3-301
  subscribers, 32-3-301
Indebtedness of, See also **Liquidation**
  borrowing, authorization, 32-3-401, 32-3-412
  central credit unions, loans from or to, 32-3-804, See also **Central credit unions**
  members' liability, 32-3-309
  other credit unions, loans from, 32-3-607
  reserves, 32-3-702 — 32-3-705, See **Reserves**
Injunction, to restrain false advertising as credit union, 32-3-103
Insolvency, See **Liquidation**
Instruction in public schools respecting, 32-3-106
Insurance
  availability, 32-3-401
  blanket fidelity bond, purchase by directors, 32-3-412
    rules respecting, 32-3-201
  casualty, liability, and fire — requirements, 32-3-201
  group life, See **INSURANCE — LIFE, Group life; Groups and group requirements**
  indemnity, See **SURETYSHIP AND SURETIES**
  liability insurance for officers, 32-3-610
  members, provision for, 32-3-609
  officers, liability insurance for, 32-3-610
  premium finance agreements, 33-14-201, See also **INSURANCE, Premium finance companies**
  share, 32-3-611
Insurers, restrictions regarding, 33-18-501
Interest, See **Loans**; **Shares and accounts**, dividends
Investments, 32-3-701
  authorization, 32-3-401
  central credit union, by, 32-3-804
  home loan corporation securities, 32-1-424, 32-2-406
  investment committee authorized, 32-3-412
  supervision, 32-3-412
Life insurance, group, See **INSURANCE — LIFE, Group life; Groups and group requirements**
Line of credit, 32-3-606, See also **Loans**
Liquidation
  central credit union, transfer to, See also **Central credit unions**
    assets and liabilities, 32-3-804
    membership, 32-3-802
  involuntary, 32-3-205
  liquidating agent, appointment, 32-3-205, 32-3-611
  national credit union administration, director of — appointment as liquidating agent, 32-3-611
  reserves, disposition, 32-3-703
  share insurance, denial of, 32-3-611
  suspension of charter, 32-3-205
  voluntary, procedure, 32-3-321
Loans, See also **LOANS**, generally
  alternative loan programs, 32-3-607, 32-3-701
  application, 32-3-414 — 32-3-416, 32-3-602
  approval
    credit committee, 32-3-413, 32-3-414
    credit manager, 32-3-416
    loan officer, 32-3-415

CREDIT UNIONS (Continued)

Loans (Continued)
    authorization to make, 32-3-401
    collateral, 32-3-604
    consumer loan business, exempt from licensee requirements respecting, 32-5-103
    credit committee, authority respecting, 32-3-413 — 32-3-416, See **Credit committee**
    credit manager, 32-3-416
    credit union, loans to, See **Indebtedness of**
    directors, board of — authority respecting, 32-3-412
    discriminatory practices prohibited, 49-2-306, 49-2-403
    eligibility, 32-3-414 — 32-3-416, 32-3-602
    energy improvement loans, interest and tax credit, 15-32-107
    federal guarantee, 32-3-607
    installments, 31-1-202, 32-3-605
    insurance for members, 32-3-609
    interest rate, 32-3-412, 32-3-601
        exemption from usury laws, 31-1-111, 31-1-112
        refunds, 32-3-401, 32-3-412
    lien for, 32-3-507
    limits, 32-3-412, 32-3-603
    line of credit, 32-3-606
    loan officers, 32-3-415
    obligations
        discount and sale, 32-3-401
        failure to meet, charges for, 32-3-401
    officials of credit union, loans to, 32-3-608
    payments, 32-3-605
    purpose, 32-3-601, 32-3-602
    "regulated lender" defined, 31-1-111
    security, 32-3-604
    supervision, 32-3-413
    terms, 32-3-601
    wage assignment, 32-3-604
Meetings of members, See **Membership**
Membership, See also **Shares and accounts**
    application, 32-3-412
    central credit unions, 32-3-802
    common bond defined, 32-3-304
    defined, 32-3-304
    denial, appeal of, 32-3-412
    directors, board of — action on applications for membership, 32-3-412
    failure to meet obligations, charges for, 32-3-401
    fees, entrance and membership, 32-3-401
    field of membership, 32-3-304
        associations, 32-3-305
        corporations, 32-3-305
        credit unions, other, 32-3-306
        limited income, persons of, 32-3-307
        members who leave field, 32-3-308
        societies, 32-3-305
        subscribers, 32-3-304
    insurance for members, 32-3-609
    liability of members, 32-3-309
    liquidation, action in, 32-3-321
    loans, See **Loans**
    meetings of members, 32-3-310
        special meeting, 32-3-419
        supervisory committee, report to, 32-3-417
    membership officer, appointment and duties, 32-3-412
    merger, authority respecting, 32-3-322
    requirements, 32-3-304
    voting requirements, 32-3-310

CREDIT UNIONS (Continued)

Merger
  authorization, 32-3-322
  conversion of charter, 32-3-323
  procedure, 32-3-322
Name
  central credit unions, requirements, 32-3-801
  exclusivity, 32-3-103
  limitations, 32-3-301
National Credit Union Administration, jurisdiction, 32-3-611
Offenses, See **Unlawful practices**
Officers and employees
  authorization to employ, 32-3-412
  central credit union, membership in, 32-3-802, See also **Central credit unions**
  compensation, 32-3-406, 32-3-412
  conflict of interest, 32-3-407
  credit committee, See **Credit committee**
  credit manager, 32-3-416, See also **Loans**
  discriminatory practices prohibited, 49-2-306
  executive officers, 32-3-408
  general manager, 32-3-408
  insurance, liability, 32-3-610
  loan officers, 32-3-415, See also **Loans**
  loans to, by credit union, 32-3-608, See also **Loans**
  membership officer, appointment and duties, 32-3-412
  supervisory committee, See **Supervisory committee**
Offices, 32-3-104
Organization, See **Incorporation**
Perpetual existence, 32-3-301
Place of business, 32-3-104
Powers and duties
  central credit union, 32-3-803
  corporation powers, additional, 32-3-402
  generally, 32-3-401
Principal place of business, 32-3-104
Property, conveyance, 32-3-401, 32-3-412
Public school instruction respecting, 32-3-106
Purposes, 32-3-102
  articles of incorporation, statement in, 32-3-301
Records, 32-3-204
  directors' authority, 32-3-409
Relocation, 32-3-104
Reports, to department of commerce, 32-3-202
  national credit union administration, administrator — report availability to, 32-3-611
  supervisory committee, report by, 32-3-417
Reserves
  disposition, 32-3-703
  establishment, 32-3-702
    "risk assets" defined, 32-3-704
  maintenance, 32-3-702
  reduction of shares to correct losses, 32-3-509
  special reserves established when, 32-3-705
Schools, instruction regarding credit unions, 32-3-106
Seal, common — adoption and alteration, 32-3-401
Services provided generally, 32-3-401
Shareholders, See **Membership**
Shares and accounts, See also **Membership**
  accounts
    christmas club, 32-3-503
    dormant, 32-3-508
    joint, 32-3-505
    lien on, 32-3-507
    minors', 32-3-504

CREDIT UNIONS (Continued)

Shares and accounts (Continued)
  accounts (Continued)
    thrift, 32-3-503
    trust, 32-3-506
    vacation club, 32-3-503
    verification, 32-3-417
  broker-dealer, exclusion, 30-10-103
  capital, 32-3-501
    articles of incorporation, information in, 32-3-301
    reduction, 32-3-509
  central credit union, purchase of shares by, 32-3-804, See also **Central credit unions**
  certificate of ownership, 32-3-501
  dividends, 32-3-502
    declaration of, 32-3-401, 32-3-412
  insurance for, 32-3-611
  investment advisor, exclusion, 30-10-103
  joint tenancy, 32-3-505
  lien on, 32-3-507
  limitation on number of shares per member, 32-3-412
  obligations, failure of member to meet — charges for, 32-3-401
  reduction in, 32-3-509
  registration exemption, 30-10-104
  secured transactions, exclusion, 30-9-104
  securities exemptions, 30-10-104, 30-10-105
  subscription, 32-3-401, 32-3-501
    limit on number of shares, 32-3-412
    taxes on, exemption, 32-3-902
  transfer, 32-3-501
    taxes on, exemption, 32-3-902
Special examination, 32-1-214, 32-1-215, See also **Examinations**
Stock, See **Shares and accounts**
Stockholders, See **Membership**
Supervision, 32-3-201, See also **Commerce, Department of**
Supervisory committee
  appointment, 32-3-403, 32-3-412
    record filed with department of commerce, 32-3-404
  central credit union, membership in, 32-3-802, See also **Central credit unions**
  compensation, 32-3-406
  credit committee, removal or suspension of members by supervisory committee, 32-3-418
  insurance, liability, 32-3-610
  loans to members of committee, 32-3-608, See also **Loans**
  powers and duties generally, 32-3-417
  record of, filed with department of commerce, 32-3-404
  removal, 32-3-412, 32-3-418
  special meeting, 32-3-419
  suspension or removal
    board of directors, officers, or members — authority for, 32-3-418
    credit committee members, authority for, 32-3-418
    members of committee, by board of directors, 32-3-412, 32-3-418
  vacancies, how filled, 32-3-405
Suspension of charter, 32-3-205, See also **Liquidation**
Taxation, See **TAXATION**
Thrift accounts, 32-3-503, See also **Shares and accounts**
Unlawful practices
  false advertising, 32-3-103
  name restrictions, violation of, 32-3-103
Vacation club, 32-3-503, See also **Shares and accounts**
Violation of credit union laws
  advertising falsely as a credit union, 32-3-103
  generally, 32-3-201, 32-3-419

CREMATION
  See **MAUSOLEUMS AND COLUMBARIUMS**

CRIER OF THE COURT
  See specific court

CRIME CONTROL
  See **CRIMES; LAW ENFORCEMENT**

CRIME CONTROL, BOARD OF

Allocation, 2-15-2006
Composition, 2-15-2006
Functions, 44-4-301
Personnel, 2-15-2006
Public representation on, 2-15-2006

CRIME CONTROL COMMISSION, GOVERNOR'S
  See **CRIME CONTROL, BOARD OF**

CRIME LABORATORIES
  See **FORENSIC SCIENCE, Laboratory of criminalistics**

CRIMES
  See also generally **CRIMINAL PROCEDURE; REMEDIES**

Abandonment
  animals, 45-8-211
  game animal carcasses, 87-1-102, 87-3-102
  motor vehicles, violation of provisions generally, 61-12-408
  nonsupport of dependents, 45-5-622
  personal property, failure to make discovery or delivery, 70-9-316
Abduction, See **Kidnapping**
Abortion
  advertising services or facilities, 50-20-109
  coercion for, 50-20-106
  consent, performance in absence of, 50-20-106
  experimentation on viable fetus, 50-20-108
  homicide, 50-20-108, 50-20-112
  notice to husband, parent, or guardian — failure to give, 50-20-107
  penalties, 50-20-110, 50-20-112
  reporting violations, 50-20-110
  viable fetus
    abortion of, 50-20-109, 50-20-112
    experimentation on, 50-20-108
  viable infant, causing death of, 50-20-108, 50-20-112
Absolute liability, 45-2-103, 45-2-104
Accessories and accomplices, See **Aiding and abetting**
Accidents, See **Motor vehicle accidents**
Accomplices, See **Aiding and abetting**
Accountability
  "another" defined, 45-2-101
  "conduct" defined, 45-2-101
  corporations
    indemnification, 35-1-414
    responsibility for, 30-14-203, 45-2-312
    responsibility of, 45-2-311

CRIMES (Continued)

Accountability (Continued)
    defenses, 45-2-302
    election law violations, 13-35-105
    exists when, 45-2-301, 45-2-302
    intoxicated or drugged condition, when, 45-2-203
    separate conviction of person accountable, 45-2-303
    solicitation, 45-4-101
    testimony of person accountable, weight, 46-16-213
Accountants
    false statements, 37-50-401
    title, illegal use, 37-50-301, 37-50-342
"Action" defined, 27-1-103
"Acts" defined, 45-2-101
Acupuncturists, violation of provisions generally, 37-13-316
Administrative proceedings, falsification in, See **Falsification in official matters**
Administrator, See **Personal representative**
Adulterated commodities, selling or offering for sale, 45-6-318
    cosmetics, 50-31-506
    drugs, 50-31-506
    food, 50-31-506
    pesticides, 80-8-202
Advertising
    banks and trust companies, advertising before issuance of charter, 32-1-401
    campaign materials, anonymity, 13-35-225
    contraceptive drugs and devices unlawful when, 45-8-204
    credit unions, false advertising, 32-3-103
    drug paraphernalia, 45-10-106
    election materials, anonymity, 13-35-225
    false
        banks and trust companies, 32-1-401 — 32-1-403
        credit unions, 32-3-103
        deceptive business practices, 45-6-318
    flag, using in, 45-8-215
    legal, printer's overcharge or false affidavit to state, 18-7-205
    lotteries, 23-5-205 — 23-5-207
    obscenity, 45-8-201
    outdoor, violation of provisions generally, 75-15-134
    pharmacists, use of specific words — when, 37-7-321, 37-7-322
    printers' overcharge or false affidavit to state, 18-7-205
    sexual material, offensive, 45-8-202
    sound recording violations, 30-13-143, 30-13-144
    violent material, offensive, 45-8-202
Aerial hunting of predators, violation of provisions generally, 81-7-511
Aeronautics
    uniform state law, violations, 67-1-205
    violations generally, 67-1-105
Affirmative defenses, See **Defenses**
Aggravated offenses
    assault, 45-5-202
    burglary, 45-6-204
    kidnapping, 45-5-303
    minors charged in district court when, 41-5-206
    nonsupport, 45-5-621
    prostitution, promotion of, 45-5-603
Agricultural odors, public nuisance exemption, 45-8-111
Agricultural seeds
    certification, unlawful use, 80-5-305
    licenses, failure or refusal to obtain, 80-5-205, 80-5-207
    misbranding or mislabeling, 80-5-205, 80-5-207
    rules, noncompliance, 80-5-205, 80-5-207
    sales in violation of provisions, 80-5-113
Agricultural statistics, failure to furnish information for, 80-1-204

CRIMES (Continued)

Aiding and abetting
  accountability, See **Accountability**
  compounding a felony, 45-7-305
  conspiracy, 45-4-102
  election laws, 13-35-105
  obstructing justice, 45-7-303
  sentencing, 46-18-222, 46-18-304
  solicitation, 45-4-101
  testimony of accomplice, instructions to jury, 26-1-303, 46-16-213
  venue when offense committed in another county, 46-3-104
Air carriers
  court decrees, violation, 67-3-427
  liability insurance, failure to procure, 67-3-405
Aircraft
  gasoline, unlawful use, 15-70-231
  hunting with, 87-3-126
  registration violations, 67-3-202
  tampering with, 45-8-113
  unauthorized use, 45-6-308
Airlines, See **Air carriers**
Airplanes, See **Aircraft**
Airports
  hazard regulations, violations, 67-5-212
  influence areas, violations, 67-4-401
  zoning act violations, 67-6-211
Air quality, violation of provisions generally, 75-2-412
  workplace, emission violations in, 50-70-118
Alcoholic beverages
  beer tax, nonpayment by brewers and wholesalers, 16-1-409
  driving while under the influence of, 61-8-401
  identification cards, false procurement or alteration, 16-6-305
  institutional patients and inmates, unlawful distribution to, 53-1-103
  "intoxicating substance" defined, 45-2-101
  license applications, false statements therein, 16-4-402
  licensees
    liquor not purchased from state store, 16-6-303
    violations of alcoholic beverage code, 16-6-314
  minors
    consumption by, 16-6-314
    misrepresentation of age, 16-3-301
    possession by, 45-5-624
    selling to or giving to, 16-6-305, 16-6-314, 45-5-622, 45-5-623
  nuisance, person who maintains, 16-6-312
  rehabilitation as part of sentence, 46-17-301
  sales without license, 16-6-302
  violations of alcoholic beverage code generally, 16-6-314
Alfalfa leaf-cutting bee provisions, violations generally, 80-6-1110
Alfalfa seed provisions, violations generally, 80-11-313
Alibi, 46-15-301
Aliens — concealed weapons, permits to carry, 45-8-319
Ambulance violations, 50-6-316
Animal-drawn vehicles, lack of lamps, 61-9-513
Animals, See also **Fish and wildlife**; **Livestock**
  abandonment, 45-8-211
  baby, sales, 81-8-401, 81-8-402
  cruelty to, 45-8-211
  dead, See **Dead animals**
  importation from diseased areas, 81-2-112
  injuring or killing, 45-6-101, 45-8-211
Apiaries
  colonies, order for transfer, 80-6-201, 80-6-303
  enlargement when, 80-6-103, 80-6-303

CRIMES (Continued)

Apiaries (Continued)
  equipment, order for disinfection, 80-6-201, 80-6-303
  quarantine, violation concerning, 80-6-201, 80-6-303
  registration, failure or refusal to, 80-6-102
  rules, violation generally, 80-6-201, 80-6-303
Apples, violation of grading and packing provisions, 80-3-207
Applicability of criminal provisions, 45-1-103, 45-1-104
Architects, violation of provisions generally, 37-65-322
Armed men, bringing into the state, 45-8-106
Arrest, See also **ARREST**
  aiding offender to escape discovery, 45-7-303
  communication with person subject to, unauthorized, 45-7-307
  escape, 45-7-306
    force to prevent, justifiable, 45-3-106
  "frisk" defined, 45-2-101
  harboring or aiding offender, 45-7-303
  "official detention" defined, 45-2-101
  peace officer, failure to aid, 45-7-304
  remains, human — unlawful, 35-21-703
  resisting arrest, 45-7-301
    force not justified, 45-3-108
    unlawful arrest, no defense, 45-3-108, 45-7-301
  "stop" defined, 45-2-101
Arson, 45-6-103, See also **Fires**
  arrest of offender, 50-63-308
  highway patrol, jurisdiction, 44-1-1001
  hotel or motel outbuildings, liability, 70-6-505
  investigation, See **FIRES AND FIRE PROTECTION**, **Investigation of fires**
  minors charged in district court when, 41-5-206
  negligent arson, 45-6-102
  open fires, setting or leaving when, 50-63-102
  release of offender, notice to fire marshal bureau, 53-1-104
Asbestos regulation, violations, 50-64-107
Assault, 45-5-201, See also **ASSAULT**
  aggravated assault, 45-5-202
    minors charged in district court when, 41-5-206
    sentence
      deferral or suspension, 46-18-201
      fine as additional sentence, 46-18-231
    "serious bodily injury" defined, 45-2-101
  "bodily injury" defined, 45-2-101
  character of victim, evidence, Title 26, chapter 10, M.R.Ev., Rule 404
  guards, upon, 45-5-202
  highway patrol, jurisdiction, 44-1-1001
  military personnel, assault on, 10-1-612
  minors, upon, 45-5-201, 45-5-502
  peace officers, upon, 45-5-202
  presumption of purpose, 45-5-201
  prisoners, assault on, 45-5-204
  protection from, personal right, 49-1-101
  sexual assault, 45-5-502
  "weapon" defined, 45-2-101
Assigned counsel, false financial statement to obtain, 46-8-112
Athletic events, See **Sports and sporting events**
Attempt, 45-2-302, 45-4-103
  election laws, 13-35-104
  jurisdiction of state, 46-2-101
  verdict and conviction, 46-16-603
Attorneys at law
  actions, bringing — acquisition of claim or demand for purpose of, 37-61-408, 37-61-409
  deceit or collusion, 37-61-406
  fees to unlicensed persons, 37-61-215

CRIMES (Continued)

Attorneys at law (Continued)
  license tax certificate, practice without, 37-61-214
  partners, appearance on opposite sides, 37-61-414, 37-61-415
  public prosecutors, former — defense by, when, 37-61-413, 37-61-415
Attorneys general, former — defense by, 37-61-413, 37-61-415
Automobile clubs, violation of provisions generally, 61-12-315
Automobiles, See **Motor vehicles**
Autopsies, violations, 50-21-106
Bad checks, issuing, See **Checks**
Bail, See **BAIL, CRIMINAL**
Bail-jumping, 45-7-308
Ballot issues, See **Elections**
Banks and trust companies
  advertising before issuance of charter, 32-1-401
  bank act violations, generally, 32-1-101, 32-1-102, 32-1-110
  cease and desist orders, violation, 32-1-921
  checks
    bad, issuance by depositor when, 45-6-316
    certified, violation of requirements, 32-1-441
  electronic funds transfer records, unauthorized disclosure, 32-6-106
  embezzlement, See **Theft**
  falsification of records or entries therein, 32-1-233, 32-1-234, 32-1-236, 32-1-325, 32-1-464, 32-1-505
  fraud by director, officer, or employee, 32-1-464, 32-1-473
  hypothecation of property received unlawful when, 32-1-471, 32-1-473
  insolvent banks
    declaration of insolvency, false, 32-1-510
    deposits, receipt unlawful when, 32-1-505
    falsification of records, 32-1-505
    trust deposits, acceptance unlawful when, 32-1-504
  loans, See also **Loans**
    false statement to obtain, 32-1-474
    personal profit of bank official, 32-1-465
  minutes of meetings of board of directors, falsification or alteration, 32-1-325
  misappropriation of bank property, 32-1-473
  obligations of, concealment from board of directors by officers or employees, 32-1-472
  overdraft by director, officer, or employee, 32-1-465
  removal or prohibition of directors or officers, violation of orders, 32-1-921
  reports to department of commerce
    confidentiality, violation of, 32-1-234
    falsification, 32-1-233, 32-1-234, 32-1-236
    special reports, false statement in, 32-1-233
  securities, unlawful sales, 32-1-463
  theft, See **Theft**
  transaction of business without certificate, 32-1-102
Barberry, harmful
  traffic in or permitting to exist, 80-7-302
  violation of provisions generally, 80-7-304
Barbers, barbershops, and schools or colleges
  communicable disease, practice while afflicted with, 37-30-306
  practice without certificate of registration, 37-30-306, 37-30-501
  violation of provisions generally, 37-30-501
Barratry, 45-7-401
Bean storage, violation of provisions generally, 80-3-513
Beauticians, See **Cosmetology and cosmetologists**
Bestiality, 45-5-505, See also **Sexual offenses**
Bicycles, violation of provisions generally, 61-8-601
Bigamy, 45-5-611
  defenses, 45-5-611
  marrying a bigamist, 45-5-612
  venue, 46-3-204
Billboards, violation of provisions generally, 75-15-134

CRIMES (Continued)

Bingo violations, 23-5-423, 23-5-431
Birds, baby — sales, 81-8-401, 81-8-402, See also **Fish and wildlife**
Birth certificates, violations generally, 50-15-114
Blackmail, See **Intimidation**
Blind bidding, 30-14-308
Blind persons' rights, violation of, 49-4-215, 49-4-217
Boats and boating
  hunting with, 87-3-126
  machine gun found in, 45-8-306
  unauthorized use, 45-6-308
  violation of provisions generally, 23-2-507
Boilers and steam engines
  inspection
    access, refusal, 50-74-213
    certification, wrongful, 50-74-107
    operation without certificate, 50-74-208
    purchase, failure to provide certificate, 50-74-205
  installation, failure to give notice, 50-74-105
  licensing of engineers
    operation without, 50-74-315
    wrongful, 50-74-107
  purchase
    inspection certificate, failure to provide, 50-74-205
    notice, failure to give, 50-74-105
  safety valve, tampering, 50-74-108
  unsafe condition, maintaining in, 45-8-113
Bombs, See **Explosives**
Bounties
  certificates or affidavits, falsification, 81-7-113, 81-7-121
  claims, fraudulent, 81-7-122
Brace and bunco games, 23-5-106
Brands
  agricultural seeds, misbranding, 80-5-205, 80-5-207
  farm products, Montana — alteration or lack of, 80-3-111
  livestock, illegally branding or altering or obscuring a brand, 45-6-327, See also **Livestock marks and brands**
Breach of the peace, See also **Disorderly conduct**; **Disturbing the peace**; **Riot**
  arrest exemptions inapplicable, 13-1-115, 46-6-102; Const., IV, 6; V, 8
  chief of police, powers, 7-32-4105
  contempt, as, 3-1-501, 3-10-401, 3-11-303, 45-7-309
  county sheriff, powers, 7-32-2121
  electors, 13-1-115, 46-6-102; Const., IV, 6
  legislators, 46-6-102; Const., V, 8
  nuisance may not be abated by, 27-30-204, 27-30-302
  secured party, repossession may not be by, 30-9-503
Bread, violation of provisions generally, 50-34-110
Breaking and entering, See **Burglary**
Bribery
  contests, officials or participants in, 45-8-214
  defined, 1-1-207
  elections, 13-35-214, 13-35-215, 13-35-220, 13-35-221
  gambling offenders, receiving to protect, 23-5-127
  official and political matters, 45-7-101
    compensation for past official behavior, 45-7-103
    gifts to public servants by constituents, 45-7-104
  renewable resource development projects, public officers on, 90-2-128
Bugging, illegal, 45-8-213
Building and loan associations
  agents, contracts unlawful when, 32-2-305
  electronic funds transfer records, unauthorized disclosure, 32-6-106
  examinations by department of commerce
    confidentiality, violation of, 32-2-307

CRIMES (Continued)

Building and loan associations (Continued)
  examinations by department of commerce (Continued)
    false statement, 32-2-107, 32-2-307
    refusal of permission, 32-2-107
  false statements, 32-2-107, 32-2-307
  financial statements, false entry, 32-2-107
  loans, charges exceeding maximum rate, 32-2-402
  property, receipt with intent to defraud, 32-2-107
  reports, falsification, 32-2-107
  reports to department of commerce
    confidentiality, violation of, 32-2-307
    falsification, 32-2-307
  transaction of business without certificate, 32-2-106
  violations of provisions, generally, 32-2-106
Building code violations, 50-60-110, 50-60-515
Bunco, 23-5-106
Burglary, 45-6-204, See also **Robbery**; **Theft**; **Trespass, criminal**
  aggravated burglary, 45-6-204
  "enter or remain unlawfully" defined, 45-6-201
  highway patrol, jurisdiction, 44-1-1001
  minors charged in district court when, 41-5-206
  "occupied structure" defined, 45-2-101
  possession of burglary tools, 45-6-205
Buses, school — operation of flashing lights when, 61-8-352
Business practices
  chain distributor schemes, 45-6-319
  consumer protection violations, 30-14-142
  deceptive, 45-6-317, 45-6-318
  improper influence, See **Public officers and employees**, generally
  violations generally, 30-14-142, 30-14-224
Butchers and meat peddlers
  hamburger, sales violations, 50-31-506
  hides, noninspection, 81-9-111
  license, failure to have, 81-9-102
  records, falsification, 81-9-118
  uninspected hides or carcasses, purchase, 81-9-115
  uninspected meat, transportation, 81-9-117
  violation of provisions generally, 81-9-118
Camper decal requirements, violation, 61-3-606
Campfires, failure to extinguish, 76-13-123
Campground health and licensing violations, 50-52-105
Cannabis, See **Drugs**
Capacity, See **Accountability**; **Consent of victim**
Capital punishment, See **DEATH PENALTY**
Card games, See **Gambling**
Careless driving, 61-8-716
Carriers
  confiscation of coal or fuel, 69-11-108
  nonpayment of fees and false or fraudulent statements or information, 69-2-205
  venue when offense committed in transit, 46-3-105
Causal relationship between conduct and result, 45-2-201
  "conduct" defined, 45-2-101
  presumption, 26-1-601, 26-1-602
Certified public accountants, See **Accountants**
Cesspool, septic tank, and privy cleaners — violation of provisions generally, 37-41-212
Cesspools, septic tanks, and privies — failure to cover or fence, 45-8-113
Chain distributor schemes, 45-6-319
Change of venue, See **VENUE**
Checks
  bad checks, issuing, 45-6-316
    "common scheme" defined, 45-2-101
    evidence of intent, prima facie, 45-6-316

CRIMES (Continued)

Checks (Continued)
    bad checks, issuing (Continued)
        highway patrol, as bond to, 44-1-1103
        "value" defined, 45-2-101
    certified check, violation of requirements, 32-1-441
Chemicals — pharmacists selling, compounding, or dispensing when, 37-7-301
Child abuse as endangering the welfare of children, 45-5-622
Child abuse records, unauthorized dissemination, 41-3-205
Children, See **Minors**
Chiropodists, See **Podiatrists**
Chiropractors
    license, practicing without, 37-12-301
    violation of provisions generally, 37-12-324
Cigarettes
    forests, throwing within, 76-13-124
    forgery or counterfeiting of insignia, 16-11-134, 16-11-146
    insignia, sale or use of cigarettes without, 16-11-133
    possession when, 16-11-113
    sales
        below cost, 16-10-401
        license violations, 16-10-403, 16-11-132, 16-11-144
    tobacco other than cigarettes, sales when, 16-11-204, 16-11-205
    transporting without insignia, 16-11-131
    use of, when, 16-11-133
    violations generally, 16-11-148
Cisterns, failure to fence or cover, 45-8-113
Citation of Criminal Code of 1973, 45-1-101
Civil defense emergency rules, violation, 10-3-507
Civil rights, See **Discrimination**
Civil service, See **Public officers and employees**
Claims against public agencies, false, 45-7-210
Classification of offenses, 45-1-201
Coal, See **Mines and mining**
Cocaine, See **Drugs**
Cockfights, 45-8-211
Code, See **Criminal Code of 1973**
Columbariums, See **Mausoleums and columbariums**
Commencement of actions, See **CRIMINAL PROCEDURE; STATUTES OF LIMITATION**, generally
Commercial feeds
    disclosure of trade secrets, 80-9-304
    violation of provisions generally, 80-9-303
Commercial fertilizer licensees, failure to file tonnage reports, 80-10-210
Commission merchants, violations generally, 30-11-403
Communicable diseases
    barbers, practice while afflicted with, 37-30-306
    failure to report, 37-2-301
Communications
    charges, aiding avoidance, 45-6-307
    defamation, criminal, 45-8-212
    obtaining services with intent to defraud, 45-6-305, 45-6-306
        aiding avoidance of charges, 45-6-307
        "publish" defined, 45-6-307
    party line, failure to yield, 45-8-114
    privacy, violation of, 45-8-213, 69-6-104
    public systems — damage, interruption, or impairment, 45-6-101
    recording unlawful when, 45-8-213
    telephone and telegraph, See **Telephone and telegraph**
    theft of services, 45-6-305 — 45-6-307
Community residential facilities, zoning provisions, 76-2-315
Competency, See **Accountability**; **Consent of victim**
Compounding a felony, 45-7-305

CRIMES (Continued)

Compulsion, defense of, 45-2-212, 45-16-301, 46-18-212, 46-18-304
Computer-related crimes
  definitions, 45-2-101, 45-6-310
  statute of limitations, 45-1-205
  unlawful use, 45-6-311
  value of property, 45-2-101
Concealed weapons, See also **Weapons**
  carrying unlawful when, 45-8-316
  definitions, 45-8-315
  exceptions, 45-8-317
  permits to carry, 45-8-319
  prisoners, possession of deadly weapon, 45-8-318
  switchblade knives unlawful when, 45-8-331
Concealment, See also **FRAUD**
  compounding a felony by, 45-7-305
  death, 44-3-404
  merchandise, 46-6-504
  obstructing justice by, 45-7-303
Condominiums, violations respecting, 70-23-1002
Conduct
  accountability for, See **Accountability**
  causal relationship between conduct and result, 45-2-201
  compulsion, 45-2-212
  defined, 45-2-101
  entrapment, 45-2-213
  evidence, See **EVIDENCE**
  offense when, 45-1-104
  responsibility for, 45-2-203
Confessions, obtaining illegally, 45-5-204
Confidence games, 23-5-106
Coniferous trees, unlawful transportation, 76-13-601
Consanguinity
  incest, 45-5-613
    "cohabit" defined, 45-2-101
    "sexual intercourse" defined, 45-2-101
Consent of victim
  effect, 45-2-211, 46-18-304
  sexual crimes, incompetency of victim, 45-5-501
Conservation speed limit, violation, 61-8-718
Conspiracy, 45-4-102
  hearsay exceptions, statement of coconspirator, Title 26, chapter 10, M.R.Ev., Rule 801
  jurisdiction of state, 46-2-101
  jury instructions, 26-1-303
  multiple offenses, charge when one of, 46-11-502
Constable, purchase of judgment by, 3-1-606
Construction of criminal provisions, 45-1-102, 45-2-101
Construction site health and safety violations, 50-77-107
Consumer Counsel fees, nonpayment, 69-2-205
Consumer loan businesses
  electronic funds transfer records, unauthorized disclosure, 32-6-106
  interest, charges exceeding maximum rate, 32-5-406
  operation without a license, 32-5-406
Consumer protection violations generally, 30-14-142
Consumer reports, violations generally, 31-3-153
Containers, discarding unlawful when, 45-8-113
Contempt, See **CONTEMPT**
Contraceptive drugs and devices, unlawful sale and advertisement, 45-8-204
Contracts
  bid violations, 30-14-205, 30-14-224
  state purchases, collusion or transfer, 18-4-105
Contributing to the delinquency of a minor, 45-5-622

CRIMES (Continued)

"Conviction" defined, 45-2-101, 46-1-201, See also **CRIMINAL PROCEDURE; OFFENDERS, FORMER; PRISONERS**
Corporal punishment, justified when, 20-4-302, 45-3-107
Corporations
    annual report, failure to file, 35-1-1103
        nonprofit corporations, 35-2-903
    campaign contributions, 13-35-227, 13-35-228
    criminal responsibility, See **Accountability**
    falsification of documents, 35-1-412
        nonprofit corporations, 35-2-413
    indemnification for, 35-1-414
    mausoleum and columbarium, See **Mausoleums and columbariums**
Corpses
    autopsies, violations, 50-21-106
    desecration, 35-21-701 — 35-21-703
    disturbing, 44-3-404
    transportation or burial without permits, 50-15-114
Correctional institutions, See **Prisons**
Corrupt influence, official and political matters, See **Public officers and employees**
"Corruptly" defined, 1-1-204
Cosmetics violations generally, 50-31-506
Cosmetology and cosmetologists
    unlawful practices, 37-31-301
    violation of provisions generally, 37-31-334
Counterfeiting, See **Forgery and counterfeiting**
County attorneys, former — defense by, 37-61-413, 37-61-415
County zoning provisions, violations generally, 76-2-211
Courts, See also **Judges and justices**
    contempt, See **CONTEMPT**
    falsification
        evidence, tampering with or fabricating, 45-7-207
        false swearing, 45-7-202
        "official proceeding" defined, 45-2-101
        perjury, 45-7-201
        public records or information, tampering with, 45-7-208
        witnesses and informants, tampering with, 45-7-206
    improper influence, See **Public officers and employees**
    jurisdiction, See **Jurisdiction of courts**
Cranes, violations, 50-76-109
Creating a hazard, 45-8-101, 45-8-113
Credit cards, unlawful use — deceptive practices, 45-6-317
Creditors, defrauding, 45-6-315
Credit reports, violations generally, 31-3-153
Credit unions
    corporate name restrictions, violation, 32-3-103
    electronic funds transfer records, unauthorized disclosure, 32-6-106
    false advertising, 32-3-103
Crime against nature, See **Sexual offenses**
"Criminal action" defined, 27-1-103
Criminal Code of 1973, Title 45
    applicability, 27-1-103, 45-1-103, 45-1-104
    citation, 45-1-101
    construction, 45-1-102, 45-2-101
    effective date, 45-1-103
    purposes, 45-1-102
    transition from previous code, 45-1-103
Criminal contempt, 45-7-309, See also **CONTEMPT**, generally
Criminal defamation, 45-8-212, See also **DEFAMATION**, generally
Criminal homicide, See **Homicide, criminal**
Criminal mischief, 45-6-101
    highway patrol, jurisdiction, 44-1-1001
Criminal procedure, See **CRIMINAL PROCEDURE**

CRIMES (Continued)

Criminal syndicalism, 45-8-105
Criminal trespass, See **Trespass, criminal**
Cruelty to animals, 45-8-211
Culpability, See **Mental state**
Custodial interference unlawful when, 45-5-304, 53-1-102
Dairies and dairy products
  adulteration of milk or cream, 81-22-409
  butterfat, manufacture or sale of products containing less than required, 81-22-417
  deceit in grade, measure, or test of milk or cream, 81-22-602
  fats, products containing extraneous — manufacture, sale, or importation, 81-22-410
  filled dairy products unlawful when, 81-22-411
  interference with departmental duties, 81-22-304
  licensees, doing business while license suspended or revoked, 81-22-203
  licenses, failure to have, 81-22-201, 81-22-204, 81-22-206
  manufactured dairy products plants
    licenses, failure to have, 81-22-201
    monthly report, failure to make, 81-22-502
  milk distributors, failure to post bond, 81-23-205
  milk or cream
    adulteration, 81-22-409
    deceit in grade, measure, or test, 81-22-602
    sales, when, 81-22-401, 81-22-409
  milk producers, producer-distributors, distributors, and jobbers
    license, failure to have, 81-23-201, 81-23-405
    reports, failure to file, 81-23-402
    violation of provisions generally, 81-23-204, 81-23-405
  pasteurization labeling, lack of, 81-22-415
  product's removal or destruction, violation of order for, 81-22-404
  restraining orders, noncompliance, 81-21-102
  standards of identity, manufactured products — nonconformance, 81-22-412
  tests, official — alteration of results, 81-22-205
Dangerous Drug Act, Title 45, chapter 9, See **Drugs**
Dangerous drugs, See **Drugs**
Dead animals
  disposition when, 75-10-213
  dumping or leaving, 75-10-212, 75-10-233
Dead bodies, See **Corpses**
Deaf persons' rights, violation of, 49-4-215
Death
  certificate, violations, 50-15-114
  concealment, 44-3-404
  information, refusal to give in investigation, 44-3-404
Death penalty, See **DEATH PENALTY**
Debt adjustment, 31-3-202
Deceptive business practices, 45-6-318
Deceptive practices, 45-6-317, See also **False pretenses and fraud**
  business practices, 30-14-142, 45-6-318
  "common scheme" defined, 45-2-101
  "deception" defined, 45-2-101
  elections, 13-35-207, 13-35-208
  "value" defined, 45-2-101
  venue, 46-3-202
Defamation, criminal, 45-8-212, See also **DEFAMATION**, generally
  intimidation, as, 45-5-203
  jury to decide questions of fact and law, 46-16-103
  political, 13-27-408, 13-27-409, 13-35-234
  voter information pamphlets, 13-27-408, 13-27-409
Defenses, See also **CRIMINAL PROCEDURE**
  accountability of corporations, due diligence, 45-2-311
  alibi, 46-15-301
  assault — mistake of fact, no defense, 45-5-201
  attempt, 45-4-103

CRIMES (Continued)

Defenses (Continued)
- bigamy, reasonable belief of marital status, 45-5-611
- bribery — person sought to be influenced unqualified, no defense, 45-7-101
- causal relationship, 45-2-201
- compulsion, 45-2-212, 46-15-301, 46-18-222, 46-18-304
- consent, 45-2-211, 46-18-304
- conspiracy — coconspirator's status, no defense, 45-4-102
- corporations, responsibility of — due diligence, 45-2-311
- death sentence, force to execute justified, 45-3-109
- defamation, criminal, 45-8-212
- entrapment, 45-2-213, 46-15-301
- false swearing — oath administered irregularly or declarant incompetent, no defense, 45-7-202
- force, justifiable use of, Title 45, chapter 3, part 1, See **Force, justifiable use of**
- hunger as, 87-3-129
- ignorance of the law, 45-2-103
- incapacity
    - consent ineffective when, 45-2-211
    - responsibility, 45-2-203
- intoxication
    - consent ineffective when, 45-2-211
    - responsibility, 45-2-203
- justifiable use of force, Title 45, chapter 3, part 1
- mental state, 45-2-103, 46-15-301, See also **CRIMINAL PROCEDURE**, **Mental disease or defect of defendant**
- mistake of fact or law, 45-2-103, 45-2-104, 45-2-201
- motor vehicles, unauthorized use — reasonable belief of owner's consent, 45-6-308
- notice of certain defenses, 46-15-301
- obstructing a public officer — officer acting illegally, no defense, 45-7-302
- perjury, defense exclusions, 45-7-201
- prostitution, aggravated promotion — reasonable belief of child's age, no defense, 45-5-603
- reasonable belief conduct does not constitute an offense, affirmative defense, 45-2-103
- resisting arrest — unlawful arrest, no defense, 45-3-108, 45-7-301
- responsibility, 45-2-203
- self defense, See **Force, justifiable use of**
- sexual offenses — inability to consent, defenses to, 45-5-506
- telephone, failure to yield party line, 45-8-114
- theft — offender's interest in property, no defense when, 45-6-303
- threats and other improper influence — person sought to be influenced unqualified, no defense, 45-7-102

Definitions applicable throughout Criminal Code, 45-2-101
Defrauding, See **False pretenses and fraud; Theft**
Deliberate homicide, 45-5-101, 45-5-102, See **Homicide, criminal**
Dentists
- certificate, practicing without, 37-4-327
- violation of provisions generally, 37-4-326

Desecration
- flags, exceptions, 45-8-215
- human remains, 35-21-701 — 35-21-703

Desertion, See **Abandonment**
Destructive devices, See **Explosives**
Detainers, escape on, 46-31-204
Detention, See **Arrest**; **Prisoners**; **Prisons**
Developmentally disabled persons, See **Mental disease or defect of victim**; **CRIMINAL PROCEDURE**, **Mental disease or defect of defendant**
Deviate sexual conduct, 45-5-505
- "deviate sexual relations" defined, 45-2-101
- without consent, 45-5-501, 45-5-505, 45-5-506

Disaster rules, violation, 10-3-507
Discrimination
- blind or visually handicapped persons' rights, denial or interference with, 49-4-215, 49-4-217
- deaf persons' rights, denial or interference with, 49-4-215

CRIMES (Continued)

Discrimination (Continued)
  general violations of discrimination laws, 49-2-601
  grain warehousemen, charges by, 80-4-223
  handicapped persons, discrimination in employment, 49-4-102
  notice containing explanation of discrimination laws, failure to post, 49-2-202
  orders by commission for human rights, violation, 49-2-601
  pipeline carriers, by, 69-13-105
Disorderly conduct, 45-8-101, See also **Breach of the peace**
  failure of disorderly persons to disperse, 45-8-102
Disposal plants, See **Rendering or disposal plants**
Dissolution of marriage, custodial interference, 45-5-304
Disturbing the peace, See also **Breach of the peace**
  city powers, 7-32-4302
  disorderly conduct, 45-8-101
  failure of disorderly persons to disperse, 45-8-102
  privacy in communications, violation of, 45-8-213, 69-6-104
  riot, See **Riot**
  schools, willful disturbance, 20-1-206
Dogs
  importation from diseased areas, 81-2-112
  livestock, chasing or running, 81-7-403
Domestic relations, See **Family, offenses involving**
Door-to-door sales
  contraceptives, 45-8-204
  violations generally, 30-14-508
Drive-in theaters, See **Theaters**
Drivers' licenses
  driving while license suspended or revoked, 61-5-212, 61-6-151
  false statements or affidavits, 61-5-302, 61-5-303
  possession or control of more than one, 61-5-111
  restricted, violation of restrictions imposed in, 61-5-113
  surrender, failure to, 61-6-151
  use unlawful when, 61-5-302
  violation of provisions generally, 61-5-307
Driving and drivers
  accidents, See **Motor vehicle accidents**
  alcohol, driving while under the influence of, 61-8-401
  careless driving, 61-8-716
  conservation speed limit, violation, 61-8-718
  drag racing, 61-8-717
  drugs, driving while under the influence of, 61-8-401
  equipment, See **Motor vehicle equipment**
  habitual traffic offenders, operation of vehicles, 61-11-213
  license suspended or revoked, driving while, 61-5-212, 61-6-151
  reckless driving, 61-8-715
  registration suspended or revoked, driving while, 61-6-151
  unsafe conditions, vehicle in, 61-9-109
Drugs
  adulteration, 50-31-506
  advertising violations, 50-31-506
  altering labels, 45-9-105, 45-9-106
  code imprinting violations, 50-31-506
  companies and medical practitioners, unlawful practices between, 37-2-102
  compounding, when, 37-7-301
  contraceptive drugs and devices, unlawful sale and advertisement, 45-8-204
  dispensation, unlawful practices
    addicts, failure of physician to report prescriptions to, 37-2-111
    drug companies and medical practitioners, between, 37-2-102
    medical practitioners, by, 37-2-104
    pharmacies and medical practitioners, between, 37-2-103
    pharmacists, when, 37-7-301
    prescriptions, without, 50-32-208

CRIMES (Continued)

Drugs (Continued)
- driving while under the influence of, 61-8-401
- fraudulently obtaining, 45-9-104, 45-9-106
- highway patrol, jurisdiction, 44-1-1001
- institutional patients and inmates, unlawful distribution to, 53-1-103
- intoxicating substances
  - defined, 45-2-101
  - minors
    - possession by, exception, 45-5-624
    - sales or gift to, 45-5-622, 45-5-623
- jurisdiction in district court, 45-9-201
- labeling violations, 50-31-506
- marijuana, 45-9-101 — 45-9-103
- minors charged in district court when, 41-5-206
- misbranding, 50-31-506
- opiates — sale or prescription, coding, or refilling, 37-7-401, 37-7-402
- osteopaths, prescribing, 37-5-305
- paraphernalia
  - advertising unlawful, 45-10-106
  - definitions, 45-10-101
  - delivery unlawful, 45-10-104, 45-10-105
  - evidence, 45-10-102
  - exemptions, 45-10-107
  - forfeiture, 44-12-102, See also **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Seizures related to controlled substances**
  - manufacture unlawful, 45-10-104
  - minors, delivery to unlawful, 45-10-105
  - possession, criminal, 45-10-103, 45-10-104
  - seizure, 44-12-103, See also **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Seizures related to controlled substances**
- pharmacists — selling, compounding, or dispensing when, 37-7-301, 37-7-401, 37-7-402
- possession, criminal, 45-9-102
  - exemptions, 45-5-624, 45-9-101 — 45-9-103
  - intent to sell, criminal, 45-9-103
  - marijuana exclusions, 45-9-102, 45-9-103
  - minors, 45-5-624, 45-9-102
  - precursors, 45-9-107, 45-9-108
  - sentencing, 45-9-102, 46-18-201, 46-18-231
- precursors to
  - possession, 45-9-107
    - exemptions, 45-9-108
  - report of sale or transfer, failure, 50-32-405
- prescriptions
  - addicts, to — failure of physician to report, 37-2-111
  - dispensation without, 50-32-208
  - opiates, 37-7-401, 37-7-402
  - osteopaths, by, 37-5-305
  - pharmacists, compounding or dispensing when, 37-7-301
- registration, practitioner's failure to register, 50-32-313
- rehabilitative treatment, sentencing alternative, 45-9-202
- sale, barter, exchange, or gift, 37-7-301, 37-7-401, 37-7-402, 45-5-622, 45-5-623, 45-9-101, 45-9-103, 46-18-201, 46-18-231
- seizure, procedure, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
- sentence
  - deferral or suspension, 46-18-201
  - fine as additional sentence, 46-18-231
  - rehabilitative provisions, 46-17-301

Dumping garbage, dead animals, or refuse, 61-8-365, 75-10-212, 75-10-213, 75-10-233

Duress
- compulsion, 45-2-212
- elections, for votes, 13-35-218, 13-35-226

CRIMES (Continued)

Duress (Continued)
  homicide, mitigated deliberate, 45-5-103
  sentence, effect on, 46-18-222, 46-18-304
Dynamite, See **Explosives**
Education, laws generally, 20-1-207
Effective date of criminal provisions, 45-1-103
Eggs
  graders and dealers, doing business following license revocation, 81-20-209
  violation of provisions for, generally, 81-20-208
Elections
  accountability, 13-35-105
  aiding and abetting, 13-35-105
  applicability of laws, 13-17-106, 13-35-101, 13-35-102
  arrest exemptions, 13-1-115, 46-6-102
  attempt, 13-35-104
  ballot
    destruction or removal, 13-35-206
    falsification, 13-35-207
    revealing contents, 13-13-311, 13-35-201, 13-35-202
    tampering with, 13-35-205
  ballot issues
    falsification of petition, 13-27-106, 13-35-207
    solicitation of signatures at polling place, 13-35-218
    warnings on petitions, 13-27-204 — 13-27-207
  bribery in official or political matters, 13-35-102, 13-35-214, 13-35-215, 13-35-220, 45-7-101
  campaigning
    advertising not to be anonymous, 13-35-225
    corporate contributions, 13-35-227, 13-35-228, 33-18-305
    election day, on, 13-35-211, 13-35-233
    financial violations, 13-35-106, 13-37-130, 33-18-305
    insurer's contributions, 33-18-305
    public funding violations, 13-37-306
  "candidate" defined, 13-1-101
  corporate contributions, 13-35-227, 13-35-228, 33-18-305
  criminal code not superseded, 13-35-101
  deceptive practices, 13-35-207, 13-35-208
  defamation, 13-35-234
  destruction of election equipment, supplies, or records, 13-35-206
  electioneering on election day, 13-35-211, 13-35-233
  employers, coercion or influence of employees, 13-35-226, 13-35-228
  falsification, 13-27-106, 13-35-207
  handicapped voters, deception, 13-35-208
  impersonations, 13-35-207, 13-35-209, 13-35-210
  influencing political officers improperly, 13-35-220
  influencing voters improperly, 13-35-102, 13-35-214, 13-35-215, 13-35-217, 13-35-218, 13-35-226, 45-7-101, 45-7-102
  injunction, 13-35-108
  injury to election equipment, supplies, and records, 13-35-206
  insurer's contributions, 33-18-305
  judges and officials of election
    interference with, 13-35-203
    misconduct by, 13-13-311, 13-35-202, 13-35-204, 13-35-217
  judicial candidates, partisan support, 13-35-231
  jurisdiction of district court, 13-35-108, 13-37-113
  misdemeanor when no penalty specified, 13-35-103
  nominations
    certificate or declaration
      destruction or defacing, 13-35-206
      falsification, 13-35-207
      suppression, 13-35-205
    improper, 13-35-221
    influence to obtain, improper, 13-35-220, 13-35-221

CRIMES (Continued)

Elections (Continued)
    obstruction of polling place, 13-13-122, 13-35-218
    obstruction of voters meetings, 13-35-213
    payment for vote, 13-35-215
    penalties
        criminal code not superseded, 13-35-101
        none specified, when, 13-35-103
        supplemental, 13-35-106
    public campaign funds, violations, 13-37-306
    public meetings, disturbance, 13-35-213
    public officers and employees, political activity, 13-35-226
    records, tampering with, 13-35-205, 13-35-206
    registration
        falsification, 13-35-207, 13-35-209
        lists, tampering with, 13-35-205
    returns
        destruction or removal, 13-35-206
        falsification, 13-35-207
        tampering with, 13-35-205
    right to vote, abuse, 13-35-210
    school, false swearing before election judge, 20-20-303
    scope of laws, 13-35-101
    secret ballot, violation of secrecy, 13-35-201, 13-35-202
    solicitation of voters at polling place, 13-35-218
    statute of limitations, 13-35-101, 13-35-107
    tampering with records, information, and equipment, 13-35-205
        ballot issues, petition, 13-27-106
    threats and other improper influence, 13-35-213, 13-35-218, 45-7-102
    trivial benefits not criminalized, 13-35-102
    voting machines
        applicability of laws, 13-17-106
        destruction or injury, 13-35-206
        tampering with, 13-35-205, 13-35-206
    voting right abuse, 13-35-209
    warnings, display at polling places, 13-13-113
Electricians, violation of provisions generally, 37-68-322
Electrologists, violation of provisions generally, 37-32-311
Electronic funds transfer records, unauthorized disclosure, 32-6-106
Electronic surveillance unlawful when, 45-8-213
Elements of offense, See also **Mental state**
    causal relationship, 45-2-201
    mental state as, 45-2-103
    voluntary act, 45-2-202
Elevators — construction, violations, 50-76-109
Embezzlement, See **Theft**
Embracery, See **Juries and jurors**
Emergencies or disasters
    energy emergency provision violations, 90-4-319
    false alarm of, 45-7-204
    rules, violation, 10-3-507
Employment
    apprentices, justifiable force to discipline, 45-3-107
    elections, influence of voter by employer, 13-35-226, 13-35-228
    militia members, depriving of employment, 10-1-603, 10-1-615
    minors, See **Minors**
Endangering the welfare of children, 45-5-622
Energy emergencies, violations, 90-4-319
Engineers and land surveyors
    registration, lack of, 37-67-301, 37-67-332
    seal, misuse, 37-67-314, 37-67-332
    violation of provisions generally, 37-67-332
Entrapment, defense of, 45-2-213, 46-15-301

CRIMES (Continued)

Escape, 45-7-306, See also **Fugitives**; **PRISONERS**
  aiding offender, 45-7-303
  detainer, on, 46-31-204
  diseased prisoner, removal is not escape, 50-2-121
  force to prevent justified, 45-3-106
  "official detention" defined, 45-2-101, 45-7-306
  supervised release, from, 45-7-306, 46-23-426
  venue, 46-3-203
Evidence, See specific offense; See also **EVIDENCE, Criminal**
Exceptions, See specific offense
Executor, See **Personal representative**
Exemptions, See specific offense
Exhibitionism, 45-5-504, 45-8-201
Ex-offenders, See **OFFENDERS, FORMER**
Explosives, See also **Arson**
  burglary, use in, 45-6-204
  death, violations causing, 50-38-107
  definitions, 45-8-332
  false alarm of explosion, 45-5-203, 45-8-101
  general penalty, 50-38-106
  minors
    charged in district court when, 41-5-206
    sale or gift to, 45-5-623, 50-38-302
  nitroglycerine, misrepresentation of percentage, 50-38-108
  possession, 41-5-206, 45-8-334, 45-8-335
    evidence of intent, 45-8-337
  reckless or malicious use, 45-8-333
  sale or gift to minor, 45-5-623
  violations generally, 50-38-106
Express company offices, failure to maintain public telephones, 69-6-103
Extortion, See **Intimidation**
Extradition
  compensation, illegal, 46-30-413
  rights of accused, violation, 46-30-218
  when, 46-30-201, See **EXTRADITION**
False advertising, See **Advertising**
False alarms
  agencies of public safety, false alarms to, 45-7-204
  disorderly conduct, 45-8-101
  intimidation by, 45-5-203
False imprisonment, 45-5-301
False pretenses and fraud, See also **Theft**
  adulterated commodities, selling or offering for sale, 45-6-318
  bad checks, issuing, 45-6-316
  bounty certificates or affidavits, 81-7-113, 81-7-121
  brands — illegally branding, altering or obscuring a brand, 45-6-327
  business practices, 30-14-142
  chain distributor schemes, 45-6-319
  chiropractors, fraudulently obtaining diploma or license, 37-12-324
  claims against the state, false, 45-7-210
  communications, obtaining with intent to defraud, 45-6-306, 45-6-307
  consumer, 30-14-142
  creditors, defrauding, 45-6-315
  "deception" defined, 45-2-101
  deceptive practices, 45-6-317, 45-6-318
  dentists — alteration of diploma, false statements in affidavits, or practicing under false or assumed name, 37-4-326
  drugs, dangerous
    altering labels on, 45-9-105, 45-9-106
    fraudulently obtaining, 45-9-104, 45-9-106
  elections, 13-35-205
  facsimile signatures or seals of public officers, misuse, 2-16-114

CRIMES (Continued)

False pretenses and fraud (Continued)
- forgery, 45-6-325
- game wardens' retirement system, false statements or falsification of records, 19-8-104
- gasoline and petroleum products, price discrimination, 82-15-203
- highway patrolmen's retirement system, false statements or falsification of records, 19-6-104
- identification marks, altering or obscuring, 45-6-326
- impersonating a public servant, 45-7-209
- insurance information obtained under, 33-19-409
- insurers
  - damage or destruction of property to defraud, 45-6-101
  - deliberate fraud, 33-2-1120
- judges' retirement system, false statements or falsification of records, 19-5-104
- landscape architects, false evidence or impersonation, 37-66-104
- machine, obscuring the identity of, 45-6-326
- marriage license, obtaining by, 40-1-208
- mining and oil companies, fraudulent financing, 30-14-704
- mislabeled commodities, 45-6-318, 45-9-105, 45-9-106
- nurses, fraudulent practices concerning diplomas or licenses, 37-8-443
- optometrists, fraudulent practices concerning certificates of registration, 37-10-301
- osteopaths, false representation as holder of diploma, 37-5-312
- physical therapists — unauthorized representation as, false oath, or fraudulent representation to obtain license, 37-11-301, 37-11-302
- physicians, false or forged evidence for license applications or false impersonation of licensee, 37-3-325
- police officers' retirement system, false statements or falsification of records, 19-9-108
- purchase contracts, state — collusion or transfer, 18-4-105
- rental of personal property, false identification, 45-6-309 securities, 30-10-301 — 30-10-303, 30-10-306
- serial numbers, obscuring, 45-6-326
- sheriffs' retirement system, false statements or falsification of records, 19-7-104
- teachers' retirement system, false statements or falsification of records, 19-4-105
- telephoned emergency call, false pretext to place, 45-8-114
- trade practices, 30-14-142

False reports
- commission merchants, 30-11-403
- disorderly conduct, 45-8-101
- law enforcement authorities, false report to, 45-7-205

False swearing, 45-7-202, See also **Perjury**
- aircraft registration, 67-3-202
- assigned counsel, false financial statement to obtain, 46-8-112
- elections, in, 13-35-207
- pleas, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
- printer's affidavit to state, 18-7-205
- school elections, voter challenges, 20-20-303
- tax special classification applications, 15-6-151

Falsification in official matters
- accountants, false statements, 37-50-401
- ballot issues, falsification of petition, 13-27-106, 13-27-204 — 13-27-207
- banks and trust companies, falsification of records and reports, 32-1-233, 32-1-234, 32-1-236, 32-1-325, 32-1-464, 32-1-505
- bounty claims, 81-7-122
- building and loan associations, falsification of records and reports, 32-2-107, 32-2-307
- corporation documents, 35-1-412, 35-2-413
- dead or fallen animal plants, records, 81-9-317
- dentists — alteration of diplomas, false statements in affidavits, or practicing under false or assumed name, 37-4-326
- drivers' licenses, false statements or affidavits, 61-5-302, 61-5-303
- election materials, 13-35-205, 13-35-207, 13-35-209
- engineers, professional — false evidence or impersonation, 37-67-332
- evidence, tampering with or fabricating, 45-7-207
- false alarms, See **False alarms**
- false reports, See **False reports**

CRIMES (Continued)

Falsification in official matters (Continued)
  false swearing, 45-7-202
  firefighters' unified retirement system, false statements or falsification of records, 19-13-109
  fish and game license applications, 87-2-106, 87-2-205
  fraternal benefit societies, misrepresentations or false statements, 33-7-518
  game wardens' retirement system, false statements or falsification of records, 19-8-104
  hazardous waste documents, 75-10-418
  hide certificates, 81-9-421
  highway patrolmen's retirement system, false statements or falsification of records, 19-6-104
  impersonating a public servant, 45-7-209
  insurance examinations, investigations, or hearings — witnesses' false testimony, 33-1-315
  judges' retirement system, false statements or falsification of records, 19-5-104
  landscape architects, false evidence or impersonation, 37-66-104
  land surveyors, false evidence or impersonation, 37-67-332
  lobbying, principals' reports — false statements, 5-7-209
  mausoleum-columbarium documents, 35-21-621
  motor vehicle accident reports, 61-7-110
  "official proceeding" defined, 45-2-101
  oil and gas deposits, false classification or appraisal, 77-3-409, 77-3-410
  optometrists, false statements in applications for examinations or for certificates of registration, 37-10-301
  perjury, 45-7-201
  physicians, false or forged evidence for license applications or false impersonation of licensee, 37-3-325
  police officers' retirement system, false statements or falsification of records, 19-9-108
  public records or information, tampering with, 2-16-612, 45-7-208
  sheriffs' retirement system, false statements or falsification of records, 19-7-104
  state lands, false classification or appraisal, 77-1-112, 77-1-115, 77-3-409, 77-3-410
  subdivided land registration applications, 76-4-1245
  tax documents, See **Taxation**
  teachers' retirement system, false statements or falsification of records, 19-4-105
  timber, false classification or scaling, 77-1-112, 77-1-115
  unsworn falsification to authorities, 2-16-612, 45-7-203, 61-6-302
  vital statistics information, 50-15-114
  volunteer firefighters' compensation, false statements or claims, 19-12-104
  water quality, false statements in documents or falsifying monitoring devices or methods, 75-5-633
  witnesses and informants, tampering with, 45-7-206
Family, offenses involving, See also **Minors**
  bigamy, 45-5-611, 45-5-612
  child abuse, 45-5-622
  corporal punishment justified when, 45-3-107
  custodial interference, 45-5-304
  endangering the welfare of children, 45-5-622
  firearms, use by children under 14 unlawful, 45-8-344
    liability of parent or guardian, 45-8-345
  incest, 45-5-613
    "cohabit" defined, 45-2-101
    "sexual intercourse" defined, 45-2-101
  nonsupport of dependents, 40-6-302, 45-5-621, 45-5-622
  prostitution, See **Prostitution**
  sexual offenses, See **Sexual offenses**
  theft — offender's spouse as victim, no defense, 45-6-303
Farm odors, public nuisance exemption, 45-8-111
Farm products, Montana
  advertisements, grades not included, 80-3-107, 80-3-111
  grades, lack of, 80-3-106, 80-3-111
  tags or brands, alteration or lack of, 80-3-111
Farm statistics, failure to furnish information for, 80-1-204
Farm tractors and equipment, lack of lamps, 61-9-513
Fees, improper collection or disposition by justice of the peace, 3-10-602

CRIMES (Continued)

Felonies
  arrest
    exemptions inapplicable, 13-1-115, 46-6-102
    private person, by, 46-6-502
  classification of offenses, 45-1-201
  compounding a felony, 45-7-305
  extradition, 46-30-201, See **EXTRADITION**
  "felony" defined, 45-2-101
  "forcible felony" defined, 45-2-101, 45-3-101
  jurisdiction in district court, 3-5-302
  minors, counsel required, 46-8-102
  penalty when none is specified, 46-18-213
  stop and frisk when, 46-5-401
  time limitations on prosecution, 45-1-205
Felony murder rule, deliberate homicide, 45-5-102
Fences
  gate, failure to close, 45-6-101
  railroad provisions, violation generally, 69-14-706
  well or other hole, failure to fence, 45-8-113
Fenders or flaps, violation of provisions relating to, 61-9-515
Fighting, as disorderly conduct, 45-8-101
Finance companies, See **Consumer loan businesses**
Finders, theft of lost or mislaid property, 45-6-302
Firearms, See **Weapons**
Fire department relief association disability and pension fund, theft from, 19-11-207
Firefighters' unified retirement system, false statements or falsification of records, 19-13-109
Fires, See also **Arson**
  false alarms of
    agencies of public safety, false alarms to, 45-7-204
    disorderly conduct, 45-8-101
    intimidation by, 45-5-203
  forest, See **Forests**
  hazards, failure to remove, 50-62-109
  investigation of fires
    disobedience to subpoena, 50-63-306
    perjury, 50-63-305
  open fires, setting or leaving when, 50-63-102
  protection violations, 50-61-119
  rules of fire marshal, violation, 50-3-103
  starting unlawfully, 45-6-102, 45-6-103, See **Arson**
Firewardens, misconduct, 77-5-106
Fireworks
  sale or gift to or by minor, 45-5-623, 50-37-103
  violation of provisions generally, 50-37-110
Fish and game licenses and permits, See also **Fish and wildlife**
  carrying, failure to do so, 87-1-102, 87-2-109
  collector's permit — misuse, failure to report, and improper number taken, 87-2-806
  exhibiting for inspection, refusal to do so, 87-1-102, 87-2-109
  failure to have license or permit, 87-1-102, 87-2-103
  false statements in applications, 87-1-102, 87-2-106, 87-2-205
  forfeiture — hunting, fishing, or trapping during, 87-1-102
  obtaining without wildlife conservation license, 87-2-201, 87-2-203
  sales when, 87-2-203
  tagging carcasses, failure to, 87-1-102, 87-2-509, 87-3-405
Fish and wildlife
  aquatic insects, commercial exportation, 87-1-102, 87-4-604
  birds
    destruction of birds, nests, or eggs, 87-1-102, 87-5-201, 87-5-401, 87-5-201, 87-5-401, 87-5-404, 87-5-406
    possession, 87-1-102, 87-3-112
  bison — unlawful taking, killing, possessing, transporting, or wasting, 87-1-102

CRIMES (Continued)

Fish and wildlife (Continued)
- body parts or unlawfully taken wildlife, trafficking, 87-3-111
- carcasses, abandonment or waste, 87-1-102, 87-3-102
- checking stations, failure of person to stop and report at, 87-1-208
- contests, 87-1-102, 87-3-307
- explosives, use, 87-1-102, 87-2-806
- fish
  - eggs, introduction or transplantation, 87-1-102, 87-3-105
  - game fish — sale, shipment, or possession, 87-1-102, 87-4-601
  - possession, 87-1-102, 87-3-112
  - sale, 87-1-102, 87-4-601
  - salmonid fish or egg provisions, 87-1-102, 87-3-224
  - spawn, sale, 87-1-102, 87-4-601
  - transplantation, 87-1-102, 87-3-105
- fishing, See **Fishing**
- fur-bearing animals
  - beaver, destruction of houses, 87-3-503, 87-3-505
  - importation, 87-1-102, 87-2-103
  - muskrats, destruction of houses, 87-3-503, 87-3-505
  - pelts
    - possession, 87-1-102, 87-3-501
    - sales, 87-1-102, 87-3-501, 87-3-502, 87-3-505
    - shipment, 87-3-501
  - possession, 87-1-102, 87-3-501
  - sales, 87-1-102, 87-3-501
  - shipment, 87-1-102, 87-3-501
  - transplantation, 87-1-102, 87-3-105
  - wasting, 87-3-506
- fur dealers, generally, 87-1-102, 87-4-306
- fur farms, trespass on, 87-4-405
- game animals
  - abandonment of carcasses, 87-1-102, 87-3-102
  - bears — unlawful taking, killing, possessing, transporting, wasting, trapping, or shooting, 87-1-102, 87-3-102
  - overkill, 87-1-102, 87-3-103
  - poaching, 87-1-102, 87-2-103
  - possession, 87-1-102, 87-3-112
  - transplantation, 87-1-102, 87-3-105
  - waste, 87-1-102, 87-3-102
- game birds
  - tagging, 87-1-102
  - transplantation, 87-1-102, 87-3-105
  - turkeys, failure to tag, 87-1-102, 87-3-405
  - waste, 87-1-102, 87-3-102
- game, commercial sale or possession, 87-1-102, 87-4-703, 87-4-705
- game or fur farms, trespass on, 87-4-405
- harassment, 87-1-102, 87-3-125
- hides, heads, or mounts — unlawful purchase, sale, or shipment, 87-1-102, 87-3-111
- hunting, See **Hunting**
- illegally taken, removal from state, 87-1-102, 87-3-113
- importation, 87-1-102, 87-2-103
- introduction, 87-1-102, 87-3-105
- landowner permission, failure to acquire, 87-1-102, 87-3-107, 87-3-125, 87-3-304
- land, trespass on, 45-6-203
- laws, fish and game — generally, 87-1-102
- licenses, See **Fish and game licenses and permits**
- poaching, 87-1-102, 87-2-103
- possession
  - buffalo, wild, 87-5-303
  - explosives, 87-1-102, 87-3-206
  - fishing implements, unlawful, 87-1-102, 87-3-112
  - fish or game generally, 87-1-102, 87-2-103, 87-3-111 — 87-3-113

CRIMES (Continued)

Fish and wildlife (Continued)
  possession (Continued)
    game birds during closed season, 87-1-102, 87-3-402
    net or seine, 87-1-102, 87-3-205
    poison, when, 87-1-102, 87-3-206
    unlawful, 87-1-102, 87-2-103, 87-3-111, 87-3-112
    wild birds, 87-5-201
  purchase, 87-1-102, 87-2-103, 87-3-111
  raptors — possession, sale, or training, 87-1-102, 87-5-203, 87-5-204, 87-5-206
  sales
    aquatic insects, 87-1-102, 87-4-604
    fish or spawn when, 87-1-102, 87-4-601
    generally, 87-1-102, 87-2-103, 87-3-111, 87-3-501, 87-4-601, 87-4-705, 87-5-201
    wild birds, 87-5-201
  seasons, closed
    fur-bearing animals, taking during, 87-1-102, 87-2-103, 87-3-501, 87-3-505
    game animals, taking during, 87-3-104
    game birds, taking during, 87-1-102, 87-3-104, 87-3-402
    hunting, fishing, or trapping during, 87-1-102, 87-2-103, 87-3-104
    migratory game birds, taking during, 87-1-102, 87-3-403
  shipping
    aquatic insects, 87-1-102, 87-4-604
    carriers, 87-1-102, 87-3-115
    illegally taken fish or game or parts thereof, 87-1-102, 87-3-113
    mislabeling of packages, 87-1-102, 87-3-114
    unlawful, 87-1-102, 87-2-103, 87-3-111
  tags, failure to validate, 87-1-102, 87-2-403, 87-2-509, 87-3-403, 87-3-405
  taxidermist generally, 87-1-102, 87-4-201
  trafficking body parts of unlawfully taken wildlife, 87-3-111
  trapping, See **Trapping**
  trespass
    criminal, 45-6-201, 45-6-203
    game or fur farms, on, 87-4-405
  unlawful taking, killing, possessing, transporting, shipping, labeling, packaging, buying, selling, hunting, trapping, shooting, or wasting, 87-1-102, 87-2-103, 87-3-102, 87-3-103, 87-3-111, 87-3-402, 87-5-303
  vehicles
    harassment of wildlife with, 87-3-125
    spotlighting from, 87-3-122
  waste, 87-1-102, 87-3-102

Fishing, See also **Fish and wildlife**
  barbed fork, possession, 87-1-102, 87-3-112
  checking stations, failure to stop and report at, 87-1-208
  closed season, during, 87-1-102, 87-3-104
  explosives, use of, 87-1-102, 87-2-806, 87-3-206
  fishtraps, use of, 87-1-102, 87-3-204
  grab hooks, use, 87-1-102, 87-3-204
  illegally taken fish, removal from state, 87-1-102, 87-3-113
  implements, possession of unlawful, 87-1-102, 87-3-112
  interstate rules, 87-2-1004
  licensing, See **Fish and game licenses and permits**
  littering, 87-1-102, 87-2-112
  poison, use of, 87-1-102, 87-3-204, 87-3-206
  possession of unlawfully taken fish or unlawful implements, 87-1-102, 87-3-111, 87-3-112, 87-3-205
  seines or nets, possession or use, 87-1-102, 87-3-204, 87-3-205
  set guns, use, 87-1-102, 87-3-204
  spear or gig, possession, 87-1-102, 87-3-112
  traps, use, 87-1-102, 87-3-204, 87-3-205
  unlawful taking, killing, possessing, transporting, shipping, labeling, buying, selling, packaging, or wasting of fish, 87-1-102, 87-2-103, 87-3-111
  waste of fish, 87-1-102, 87-3-102

CRIMES (Continued)

Flags, desecration, 45-8-215
Floodplains and floodways, uses within — violations generally, 76-5-110
Flour, violation of provisions generally, 50-34-110
Food
  adulteration, 50-31-506
  destruction, 30-14-217, 30-14-224
  flour and bread, violation of provisions generally, 50-34-110
  hamburger, sales violations, 50-3-506
  honey, mislabeling, 50-31-506
  mislabeling, 50-31-506
Food establishments, health and licensing violations, 50-50-108
Force, justifiable use of
  affirmative defense, 45-3-115, 46-15-301
  aggressor, force by, 45-3-105
  arrests, necessary and reasonable force, 46-6-104
  character evidence, Title 26, chapter 10, M.R.Ev., Rule 405
  corporal punishment, 20-4-302, 45-3-107
  death sentence, execution as, 45-3-109
  defense of
    occupied structure, 45-3-103
      defined, 45-2-101
    person, 45-3-102, 49-1-103
    property, 45-3-104, 49-1-103
  definitions, 45-3-101
  escape, force to prevent, 45-3-106
  "forcible felony" defined, 45-2-101, 45-3-101
  notice of intent to use as defense, 46-15-301
  resisting arrest, force not justified, 45-3-108
  search warrant, execution, 46-5-208
Forests
  burning permits, noncompliance, 76-13-122
  campfires, failure to extinguish, 50-63-102, 76-13-123
  fire hazard provisions, violation generally, 76-13-412
  fires, citizens' refusal to fight, 77-5-105
  leaving, 50-63-102
  lighted materials, throwing, 50-63-102, 76-13-124
  protection provisions, violation generally, 76-13-112
  signs, destruction, 76-13-113
Forgery and counterfeiting, 45-6-325, See also **False pretenses and fraud**
  cigarette tax insignia, 16-11-134, 16-11-146
  "common scheme" defined, 45-2-101
  credit cards, use of altered or counterfeit cards, 45-6-317
  dentists, alteration of diplomas, 37-4-326
  engineers, professional — forged evidence for certificate of registration, 37-67-332
  landscape architects, forged evidence in obtaining license, 37-66-104
  land surveyors, forged evidence for certificate of registration, 37-67-332
  motor vehicles
    certificates of ownership or assignments thereof, 61-3-603
    financial responsibility, evidence of proof, 61-6-151
  optometrists, alteration of certificates of registration, 37-10-301
  physicians, false or forged evidence for license applications, 37-3-325
  prescriptions, forging to obtain dangerous drugs, 45-9-104, 45-9-106
  "value" defined, 45-2-101
Foster homes, failure to obtain a license, 41-3-504
Fraternal benefit societies
  agents, failure to have license, 33-7-526
  misrepresentations or false statements, 33-7-518
Fraud, See **False pretenses and fraud**; **Theft**
Fruit and vegetable disease control provisions, violation generally, 80-7-210
Fugitives, See also **Escape**
  extradition, 46-30-201, 46-30-227, See **EXTRADITION**
  harboring or aiding an offender, 45-7-303

CRIMES (Continued)

Fugitives (Continued)
  parolees, 46-23-1026
  peace officer, failure to aid, 45-7-304
Funds, public, See **Public fund misuse**
Funeral directors, violation of provisions generally, 37-19-501
Funerals, interference, 35-21-704
Gambling
  bingo and raffles
    failure to prosecute violations, 23-5-423
    violation of provisions generally, 23-5-431
  brace and bunco games, 23-5-106
  card games, unlawful when, 23-5-102, 23-5-311
    failure to prosecute violations, 23-5-323
    violation of provisions generally, 23-5-331
  cockfights, 45-8-211
  equipment — possession, exceptions, 23-5-102 — 23-5-105
  leasing a building used for gambling when, 23-5-143, 23-5-209
  lotteries, 23-5-203 — 23-5-209, 23-5-211, See **GAMBLING**
  prohibited games, 23-5-102, 23-5-311
  protection of offenders, asking or receiving compensation for, 23-5-127
  public officer, failure to enforce laws, 23-5-126
  repeat offenders, penalty, 23-5-109
  slot machines, possession, 23-5-102 — 23-5-105
  soliciting or persuading persons to visit gambling places, 23-5-108
  sports pools
    failure to prosecute violations, 23-5-508
    violation of provisions generally, 23-5-509
  theft, gambling as, 23-5-107
Game wardens' retirement system, false statements and falsification of records, 19-8-104
Garbage, dumping or leaving, 61-8-365, 75-10-212, 75-10-213, 75-10-233
Garbage feeders
  license, lack of, 81-2-502
  violation of provisions generally, 81-2-511
Gas, See **Oil and gas**
Gasoline and petroleum products
  aviation gasoline, unlawful use, 15-70-231
  dealers' licenses, violation, 15-70-203
  diesel powered vehicles, operation without temporary permit, 15-70-314
  price discrimination, 82-15-203, 82-15-206
  rules of department of commerce, violation, 82-15-111
  tax violations, 15-70-232, 15-70-336, 15-71-105
  violations generally, 82-15-111, 82-15-206
Gates, failure to close, 45-6-101
Geophysical exploration, violations generally, 82-1-110
Grain
  cars, seals broken or weighing of — when, 80-4-115
  inspectors, misconduct, 80-4-106
  merchandisers
    inspections, refusal or resistance, 80-4-209
    reports, refusal to make or falsification, 80-4-209
    violation of provisions generally, 80-4-207
  pooling, 30-14-216, 30-14-224
  protein testing of wheat, violation of provisions for, 80-4-118
  samplers, misconduct, 80-4-106
  treated
    coloration, lack of, 80-4-124, 80-4-126
    delivery to warehouse, 80-4-122, 80-4-123
    sale or offering for sale, 80-4-125, 80-4-126
  warehousemen, discriminatory charges by, 80-4-223
  warehouse receipts, unlawful issuance, 80-4-225

CRIMES (Continued)

Grain (Continued)
  weighers
    license, failure to have, 80-4-104
    misconduct, 80-4-106
  wheat research and marketing provisions, violation generally, 80-11-211
Grand larceny, See **Theft**
Graves, desecration, 35-21-701 — 35-21-703
Grazing districts
  livestock running at large or in herd without permit, 76-16-310
  trespassing livestock, unlawful recovery, 76-16-318
Grazing livestock on highway, 60-7-201, 60-7-203
Grenades, See **Explosives**
Gross vehicle weight, See **Motor vehicles**
Guardian and ward, See also **Minors**
  child abuse, 45-5-622
  corporal punishment justified when, 45-3-107
  deaf and blind, Montana state school for the — noncompliance with mandatory admission application provisions, 20-8-105
  endangering the welfare of children, 45-5-622
  firearms, use by children under 14, 45-8-344
    liability of parent or guardian, 45-8-345
  nonsupport, 45-5-621
  prostitution, promoting, 45-5-602, 45-5-603
  "public servant", guardian defined as, 45-2-101, See **Public officers and employees**
Gunpowder, See **Explosives**
Guns, See **Concealed weapons; Weapons**
Habitual traffic offenders, operation of motor vehicles, 61-11-213
Hamburger, sales violations, 50-31-506
Handicapped, physically
  discrimination in employment, 49-4-102
  sexual crimes, inability to consent when, 45-5-501
Harassment
  disorderly conduct, 45-8-101
  mistreating prisoners, 45-5-204
  privacy in communications, 45-8-213
  wildlife, 87-1-102, 87-3-125
Harboring and concealing an offender, 45-7-303
Hashish, See **Drugs**
Hazard, creating, 45-8-113, See also **Disorderly conduct**
Hazardous substances violations, 50-30-304
Hazardous wastes, violation of provisions generally, 75-10-418
Health and Environmental Sciences, Board of — violation of rule, 50-1-104
Health and Environmental Sciences, Department of — violation of rule, 50-1-104
Health care facilities, operational violations, 50-5-109
Health laws generally, 50-1-104, 50-2-124
  construction sites, at, 50-77-107
  occupational health laws, 50-70-118
Health officers, failure to assist, 50-2-120
Health service corporations, exclusion of coverage for services of state institutions, 33-30-1002
Hearing aid dispensers, practice without license, 37-16-413
Herd districts
  animals running at large within, 81-4-306
  horse, See **Horses**
  impounded animals, retrieval, 81-4-308
  introduction of livestock into, 81-4-309
  trespassing animals, sale prior to satisfaction of lien, 81-4-307
Herding livestock on highway, when, 60-7-205
Heroin, See **Drugs**
Hide dealers
  hide certificates, falsification, 81-9-421
  identification tags, failure to affix, 81-9-421

CRIMES (Continued)

Hide dealers (Continued)
    license, acting without, 81-9-422
    mutilation or concealment of hides, 81-9-423
Highway patrolmen's retirement system, false statements or falsification of records, 19-6-104
Highways
    accidents on, See **Motor vehicle accidents**
    animals, abandoning on, 45-8-211
    controlled-access
        private driveways or roads connecting with, operation of, 60-5-111
        traffic-control devices placed on, when, 61-8-203
        use restrictions, violation of, 61-8-331, 61-8-332, 61-8-720
    dumping garbage, dead animals, or refuse on, 61-8-365, 75-10-212, 75-10-213, 75-10-233
    gross vehicle weight, See **Motor vehicles**
    hunting from or on, 87-1-102, 87-3-101
    littering on, 61-8-365
    livestock on
        grazing, 60-7-201, 60-7-203
        herding, 60-7-205
    obstructing
        disorderly conduct, 45-8-101
        public nuisance, 45-8-111
    railroad crossings, extended obstruction, 69-14-626
    refuse on, 61-8-365
Hoisting engines, violations, 50-76-109
Homicide, criminal
    abortion, causing death of viable infant, 50-20-108
    bail after conviction unavailable, 46-9-103
    character of victim, evidence, Title 26, chapter 10, M.R.Ev., Rule 404
    confession, 46-16-203
    death penalty, 45-5-102, 46-18-303
    definition and degrees, 45-5-101
    deliberate homicide, 45-5-102
        aggravating circumstances, 46-18-303
        highway patrol, jurisdiction, 44-1-1001
        mental state, inference, 46-16-203
        sentence, deferral or suspension, 46-18-201
    "human being" defined, 45-2-101
    inquest, See **CRIMINAL PROCEDURE, Inquests**
    jurisdiction of coroner, 46-4-101
    jurisdiction of state, 46-2-101
    mental state, inference, 46-16-203
    minors charged in district court when, 41-5-206
    mitigated deliberate homicide, 45-5-103
        deferred or suspended sentence, 46-18-201
        fine as additional sentence, 46-18-231
    negligent homicide, 45-5-104
    preliminary examination, record of witnesses' testimony, 46-10-204
    suicide, aiding or soliciting, 45-5-105
    time limitation, 45-1-205
    venue, 46-3-201
Homosexuality, 45-5-505, See also **Sexual offenses**
Honey, labeling violations, 50-31-506
Horses
    abandonment, 81-4-502
    herd districts, wrongful entry of horses, 81-4-325
    roundup, gathering prior to, 81-4-507
Horses and horseracing
    distance of race, exceeding maximum, 45-8-211
    race meet and pari-mutuel betting violations, 23-4-202
Hospitals, operational violations, 50-5-109

CRIMES (Continued)

Hostages
  communications to and from person holding, 69-6-104
  taking, 45-5-303
Hotels, violation of provisions generally, 50-51-106
Houses of ill fame, See **Prostitution**
Human remains, See **Corpses**
Human rights, See **Discrimination**
Hunting, See also **Fish and wildlife**
  aerial, violation of provisions generally, 81-7-511
  aircraft, airports, or landing fields — use, 87-3-126
  animal calls or sounds, use, 87-1-102, 87-3-108
  bird calls or sounds, use, 87-1-102, 87-3-108
  boats, use, 87-3-126
  checking stations, failure to stop and report, 87-1-208
  closed season, during, 87-1-102, 87-3-104
  clothing, color requirements, 87-1-102, 87-3-302
  contests, 87-1-102, 87-3-121, 87-3-307
  deer, taking in city limits, 87-3-305
  fence damage, 45-6-101, 87-1-102
  game preserves, in — when, 87-5-406
  garments, color requirements, 87-1-102, 87-3-302
  gates, failure to close, 45-6-101, 87-1-102
  helicopters or heliports, use, 87-3-126
  highways, from or on, 87-1-102, 87-3-101
  injured person, failure to assist, 45-8-113
  jacklights, use, 87-1-102, 87-3-101
  landowner permission, failure to have, 87-1-102, 87-3-125
  licenses, See **Fish and game licenses and permits**
  lights, artificial — use, 87-1-102, 87-3-101
  littering, 87-1-102, 87-2-112
  livestock injuries, 87-3-107
  negligence, 45-8-113
  overkill, 87-1-102, 87-3-103
  permission of landowner, failure to have, 87-1-102, 87-3-304
  poaching, 87-1-102, 87-2-103
  possession of unlawfully killed game, 87-1-102, 87-3-112
  reproduced sounds of bird or animal calls, use, 87-1-102, 87-3-108
  salt licks to entice animals, use, 87-1-102, 87-3-101
  set guns, use, 87-1-102, 87-3-101
  sex of animal, destroying evidence of, 87-1-102, 87-3-304
  snare traps, use, 87-1-102, 87-3-101
  spotlighting, 87-1-102, 87-3-122
  tagging carcasses, failure to, 87-1-102, 87-2-509
  traps, use, 87-1-102, 87-3-101
  unlawful taking, killing, possessing, transporting, shipping, labeling, packaging, pursuing, hunting, trapping, shooting, or wasting of game, 87-1-102, 87-2-103
  vehicles, from, 87-1-102, 87-3-101
  waste of game, 87-1-102, 87-3-102
Husband and wife, See also **Family, offenses involving**
  nonsupport of dependents, 45-5-621, 45-5-622
  prostitution, promotion of, 45-5-602, 45-5-603
    testimony against spouse admissible, 45-5-604
  sexual offenses, See **Sexual offenses**
  theft — offender's spouse as victim, no defense, 45-6-303
Identification marks
  brands — illegally branding, altering or obscuring a brand, 45-6-327
  firearms, obscuring the identity, 45-6-326
  machine, obscuring the identity, 45-6-326
Ignorance of the law, defense when, 45-2-103
Impersonating an elector, 13-35-207, 13-35-209, 13-35-210
Impersonating a public servant, 45-7-209
  department of commerce officer, 30-12-503
  "public servant" defined, 45-2-101

CRIMES (Continued)

Implements of husbandry, lack of lamps, 61-9-513
Importation of animals from diseased areas, 81-2-112
Incapacity
  consent ineffective, 45-2-211
  "mentally incapacitated" defined, 45-2-101
  responsibility, 45-2-203
Incest, 45-5-613
  "cohabit" defined, 45-2-101
  "sexual intercourse" defined, 45-2-101
Inchoate offenses, Title 45, chapter 4, part 1
  attempt, 45-4-103
  conspiracy, 45-4-102
  solicitation, 45-4-101
Incompetent persons
  consent ineffective, 45-2-211
  custodial interference, 45-5-304
  responsibility, 45-2-203
  time limitation when victim incompetent, 45-1-205
Indecent exposure, 45-5-504
  obscenity when victim is minor, 45-8-201
Indemnification for, 28-11-302, 28-11-303
Indian articles, sales violations, 30-14-604
Indigent parents, nonsupport of, 40-6-302
Informants, tampering with, 45-7-206
Inhumane treatment of animals, 45-6-101, 45-8-211
Installment sales, See **Retail installment sales**
Institutions
  alcoholic beverages, unlawful distribution to patients or inmates, 53-1-103
  arsonist, notice of release required, 53-1-104
  custodial interference, 45-5-304, 53-1-102
  drugs, unlawful distribution to patients or inmates, 53-1-103
  release of patient or inmate without permission, 53-1-102
Insurance
  adjusters, failure to have license, 33-17-1004
  agents or solicitors
    failure to have license, 33-7-526, 33-17-1004
    false applications, claims, and proofs of loss, 33-18-401
    misappropriation of funds, 33-17-1102
    surplus line, false certificate of insurance or failure to notify insured of policy changes, 33-2-308
  code, violations generally, 33-1-104
  consultants, failure to have license, 33-17-502
  damage or destruction of property to defraud insurer, 45-6-101
  disability policies, exclusion of coverage for services of state institutions, 33-22-112, 33-30-1002
  examinations, investigations, or hearings — witnesses' failure to appear and testify, produce evidence, and false testimony, 33-1-315
  information and privacy protection, obtaining information under false pretenses, 33-19-409
  motor vehicle liability
    cancellation, notice requirements, 33-23-212
    lack of, 61-6-304
  premium finance companies, failure to have license, 33-14-201
  rating or advisory organizations, violation of provisions generally, 33-16-114
Insurers
  delinquency proceedings or investigations — obstruction, interference, or lack of cooperation, 33-2-1310
  domestic stock and mutual
    dividends, illegal declaration or payment, 33-3-424
    equity securities, sales when, 33-3-443
    records or assets, removal or concealment, 33-3-401
  false applications, claims, and proofs of loss, 33-18-401
  financial statements, reports, or records — false statements or entries, 33-18-205

CRIMES (Continued)

Insurers (Continued)
    holding company systems, generally, 33-2-1120
    mortuaries, relationships with, 33-18-301
    motor vehicle liability insurance, cancellation — violation of notice requirements, 33-23-212
    orders, violation, 33-2-1310
    political contributions, 33-18-305
    unauthorized, representing or aiding, 33-2-104
Insurrection, See **Riot**
Intent, See **Mental state**
Intimidation, 45-5-203
    elections
        electors, of, 13-35-218
        public meetings of electors, prevention, 13-35-213
    explosives, use for, 45-8-333
    litigation threatened on abolished cause of action, 27-1-604, 27-1-606
    military enlistment, dissuasion by, 10-1-603, 10-1-615
    obstructing justice by, 45-7-303
    privacy in communications, violation by, 45-8-213
    public servants, influence by, 45-7-102
    "threat" defined, 45-2-101
Intoxicating substances, See also **Alcoholic beverages**; **Drugs**
    consent, effect upon, 45-2-211
        voluntary social companion, 45-5-506
    defined, 45-2-101
    driving while under the influence of alcohol or drugs, 61-8-401
    minors
        possession unlawful when, 45-5-624
        sale or gift to, 45-5-622, 45-5-623
Intoxication, See **Intoxicating substances**; **Mental state**
Investigators, private, See **Private investigators**; See also **PRIVATE INVESTIGATORS AND PATROL OPERATORS**
Investment companies, See **Banks and trust companies**
Investment securities, See **Securities**
Involuntary servitude, 45-5-303
Itinerant merchants, violation of provisions generally, 80-3-713
Judges and justices
    election, political party endorsement, 13-35-231
    improper collection or disposition of fees, 3-10-602
    "public servant" defined, 45-2-101, See **Public officers and employees**
    purchase of judgment by justice of the peace, 3-1-606
Judges' retirement system, false statements or falsification of records, 19-5-104
Judgment, purchase by justices of the peace or constables, 3-1-606
Juries and jurors
    bribery of, 45-7-101
    communications with, unauthorized, 45-7-102
    contempt, criminal, 45-7-309
    influence, improper, 45-7-101, 45-7-102
    "juror" defined, 45-2-101
    threats and other improper influence on, 45-7-102
Jurisdiction, See specific offense; **CRIMINAL PROCEDURE**
Justices, See **Judges and justices**
Justifiable use of force, See **Force, justifiable use of**
Juveniles, See **Minors**
Kidnapping, 45-5-302, See also **ABDUCTION**, generally
    aggravated offense, 45-5-303
        minor charged in district court when, 41-5-206
        sentence
            deferral or suspension, 46-18-201
            fine as additional sentence, 46-18-231
    aggravating circumstances, 46-18-303
    custodial interference, as, 45-5-304
    death penalty, 45-5-303, 46-18-303

CRIMES (Continued)

Kidnapping (Continued)
  electors, of, 13-35-218
  highway patrol, jurisdiction, 44-1-1001
  hostages, communications to and from person holding, 69-6-104
  search and seizure, without warrant, 46-5-203
  sentence
    death, 45-5-303
    deferral or suspension, 46-18-201
    fine as additional sentence, 46-18-231
  unlawful restraint, 45-5-301
  venue, 46-3-205
  voter, of, 13-35-218
Knowingly, See also **Mental state**
  defined, 1-1-204, 45-2-101
  element of an offense, 45-2-103, 45-2-201
  substitute for knowledge, 45-2-102
Knowledge of the law not required, 45-2-103
Labels
  agricultural seeds, mislabeling, 80-5-205, 80-5-207
  cosmetics, mislabeling, 50-31-506
  drugs
    altering labels on, 45-9-105, 45-9-106
    mislabeling, 50-31-506
  food, mislabeling, 50-31-506
  honey, mislabeling, 50-31-506
  mislabeled goods, selling or offering for sale, 45-6-318, 50-31-506
  paints, violations generally, 30-12-1006
  pesticides — lack of, improper, alteration, detaching, or destroying, 80-8-202
Labor and employment, See **Employment**
Lakeshore protection, violation of provisions generally, 75-7-216
Landlord and tenant
  gambling, leasing building for, 23-5-143, 23-5-209
  prostitution, promotion of, 45-5-602
Landscape architects, violation of provisions, 37-66-104, 37-66-322
Land surveyors, See **Engineers and land surveyors**
Larceny, See **Theft**
Law creating offense, repealed — effect, 1-2-205
Leaf-cutting bee provisions, violation generally, 80-6-1110
Legislators, See **Legislature**
Legislature
  bills and resolutions, tampering with, 45-7-208
  legislators, "public servant" defined, 45-2-101, See **Public officers and employees**
Letters, opening illegally, 45-8-213
Liability
  absolute, 45-2-104
  criminal generally, Title 45, chapter 2
  vicarious, corporations, See **Accountability**
Libel as criminal defamation, 45-8-212, See **Defamation, criminal**
License plates, See **Motor vehicle dealers; Motor vehicle license plates**
Life imprisonment, See **SENTENCING**
Lighted materials, throwing, 76-13-124
Limitations on prosecution, See **STATUTES OF LIMITATION**
Litigation, threat of on abolished cause of action, 27-1-604, 27-1-606
Littering
  dumping garbage, dead animals, or refuse, 61-8-365, 75-10-212, 75-10-213, 75-10-233
  hunting, fishing, or camping — littering while, 87-1-102, 87-2-112
  tampering with property of another, as, 45-6-101
    "tampering" defined, 45-2-101
Livestock
  baby animals, sales, 81-8-401, 81-8-402
  brands, See **Livestock marks and brands**
  cruelty to animals, 45-8-211

CRIMES (Continued)

Livestock (Continued)
- disease control
  - areas, stock not gathered or inspected, 81-2-303
  - violation of provisions generally, 81-2-113
- dogs chasing or running, 81-7-403
- estrays
  - unlawful transportation, 81-3-203
  - violation of provisions generally, 81-4-621
- feedlots, noninspection of dead animals, 81-3-232
- garbage feeders, See **Garbage feeders**
- grazing districts, within, See **Grazing districts**
- grazing on highway, 60-7-201, 60-7-203
- herd districts, See **Herd districts**
- herding
  - from customary range, 81-5-101
  - on highway, when, 60-7-205
  - upon railroad tracks, 81-5-102
- hide dealers, See **Hide dealers**
- highways
  - grazing on, 60-7-201, 60-7-203
  - herding on, when, 60-7-205
- horses, See **Horses**
- importation
  - diseased areas, from, 81-2-112
  - permit and health certificate provisions, violation, 81-2-708
- injuring or killing, 45-6-101, 45-8-211
- marks, See **Livestock marks and brands**
- odors, public nuisance exemption, 45-8-111
- pork research and marketing, violation of provisions generally, 81-8-612
- railroads
  - crossing provisions, violation generally, 69-14-706
  - injury or death provisions, violation generally, 69-14-713
- registered, violation of provisions generally, 81-8-502
- removal from state without inspection, 81-3-233
- running at large
  - branding cattle, 81-4-214
  - cities and towns, in, 81-4-402
  - grazing districts, within, See **Grazing districts**
  - male equine animals, 81-4-204, 81-4-209
  - purebred bulls, 81-4-210, 81-4-213
  - swine, sheep, and goats, 81-4-201, 81-4-202
  - trespassing stock, taking from person retaining, 81-4-217, 81-4-308
- sheep, See **Sheep**
- snare traps, injury from, 87-3-107
- swine
  - purchasers' statements, alteration, 81-8-608
  - research and marketing, violation of provisions generally, 81-8-612
- tuberculin sale or distribution, violation of provisions generally, 81-2-603

Livestock dealers and brokers, violation of provisions generally, 81-8-279

Livestock markets
- financial violations, 81-8-235
- violation of provisions generally, 81-8-216

Livestock marks and brands
- illegally branding, altering, or obscuring a brand, 45-6-327
- inspection requirements, 81-3-211, 81-3-231 — 81-3-233
- recording or rerecording, branding without, 81-3-102
- violation of provisions generally, 81-3-108, 81-3-231

Loan companies, See **Consumer loan businesses**

Loans
- bank officials, personal profit by, 32-1-465
- charges exceeding maximum rate, 32-2-402, 32-5-406

CRIMES (Continued)

Loans (Continued)
    false statement to obtain, 32-1-474, 45-6-317
    mausoleum-columbarium authority violations, 35-21-625
Lobbying and lobbyists
    principals' reports, false statements, 5-7-209
    violation of provisions generally, 5-7-305
Loitering
    disorderly conduct, 45-8-101
    failure of disorderly persons to disperse, 45-8-102
    traffic, obstructing, 45-8-101, 45-8-111
Lost or mislaid property, See **Property**
Lotteries, Title 23, chapter 5, part 2, See **GAMBLING**
Machine guns, See **Weapons**
Machine, obscuring the identity of, 45-6-326
Mailing lists, lack of permission for preparation, 2-6-109
Mail, opening illegally, 45-8-213
Malfeasance, See **Official misconduct**
"Malice" and "maliciously" defined, 1-1-204
Malicious mischief, 45-6-101
Mandamus, disobedience to writ, 27-26-206
Manslaughter, See **Homicide, criminal**
Marijuana, See **Drugs**
Marriage, See also **Family, offenses involving**
    bigamy, 45-5-611, 45-5-612
    confidentiality of medical certificates, statements, reports, or applications — violation, 40-1-208
    declaration of marriage without solemnization, violation of provisions, 40-1-313
    incest, 45-5-613
    license and medical certificates, violation of provisions, 40-1-208
Mausoleums and columbariums
    casket records, violations generally, 35-21-505
    construction violations, 35-21-712
    disposition of remains with particular authority, commission or rebate for, 35-21-417
    endowment care, violations generally, 35-21-621
    incorporation, operation without, 35-21-201
    loan of funds, illegal, 35-21-625
    plots, sale
        commission or rebate, for, 35-21-416
        resale or profit, for, 35-21-415
    property, damage or destruction, 35-21-704, 35-21-706
    remains
        attachment, 35-21-703
        detention, 35-21-703
        dissection, for, 35-21-701
        mutilation, 35-21-702
        sale, for, 35-21-701
        unauthorized removal, 35-21-702
    violations of provisions generally, 35-21-713
Maxim silencer, unlawful when, 45-8-336, 45-8-337
Meat peddlers, See **Butchers and meat peddlers**
Medical practitioners, unlawful practices, 37-2-104
    communicable diseases, failure to report, 37-2-301
    drug addicts, failure to report prescriptions to, 37-2-111
    drug companies, between, 37-2-102
    pharmacies, between, 37-2-103
Medicines — pharmacists selling, compounding, or dispensing when, 37-7-301
Meetings or lawful assemblies, disturbing or disrupting, 45-8-101
Mens rea, See **Mental state; CRIMINAL PROCEDURE, Mental disease or defect of defendant**
Mental disease or defect of offender, See **CRIMINAL PROCEDURE**
Mental disease or defect of victim
    consent ineffective, 45-2-211

CRIMES (Continued)

Mental disease or defect of victim (Continued)
  "mentally defective" defined, 45-2-101
  "mentally incapacitated" defined, 45-2-101
  sexual crimes, inability to consent, 45-5-501
  theft, statute of limitations, 45-1-205
Mental state, See also **CRIMINAL PROCEDURE**, **Mental disease or defect of defendant**
  absolute liability, 45-2-104
  causal relationship, 45-2-201
  defenses, 45-2-103, 46-14-102, 46-15-301
  definition of terms denoting, 1-1-204
  elements of an offense, application to each, 45-2-103
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
  ignorance of the law, 45-2-103
  inference, 45-2-103
  intoxicated or drugged condition, 45-2-203
  "knowingly" defined, 45-2-101
    substitute for knowledge, 45-2-102
  knowledge of the law, not element of offense, 45-2-103
  liability, absolute, 45-2-104
  mental disease or defect preventing, 46-14-102, See **CRIMINAL PROCEDURE**, **Mental disease or defect of defendant**
  "negligently" defined, 45-2-101
    substitute for negligence, 45-2-102
  presumptions, 26-1-601, 26-1-602
  "purposely" defined, 45-2-101
  required for commission of offense when, 45-2-103
Military affairs, See also **Veterans**
  assault or disturbance of military personnel, 10-1-612
  employment, depriving militia members of, 10-1-603, 10-1-615
  enlistment, dissuasion, 10-1-603, 10-1-615
  right-of-way on streets and highways, obstruction, 10-1-602
  sale or detention of military property, 10-1-613, 10-1-615
  trespass on military property, 10-1-612
  uniform, unlawful wearing, 10-1-614, 10-1-615
Milk and products thereof, See **Dairies and dairy products**, generally
Milk price control, See **Dairies and dairy products**, generally
Mines and mining
  claim, filing false claim, 82-2-115
  coal
    carriers, confiscation by, 69-11-108
    invoices, violations generally, 82-3-205
    railroads, confiscation by, 69-11-108
    tax violations, See **Taxation**
  consignments, payment violations, 82-2-422
  financing, fraudulent, 30-14-704
  foreign substances, introduction into ore, 82-2-403
  health violations, 50-72-104
  mine shaft, failure to cover or fence, 45-8-113
  notice to landowner, violations generally, 82-2-306
  proceeds statement, violations generally, 82-2-426
  reclamation violations
    opencut mines, operation without contract, 82-4-435
    public officer's failure to enforce, perjured statements, 82-4-252
    strip and underground mines, 82-4-141, 82-4-254
  safety violations, 50-72-104, 50-73-105
  sampling of ore, violations generally, 82-2-406, 82-2-426
  siting violations generally, 82-4-141
    public officer's failure to enforce, perjured statements, 82-4-142
  small miners — exemption agreement, noncompliance, 82-4-305
  tax records, refusal to allow examination, 15-37-109

CRIMES (Continued)

Minors, See also **CRIMINAL PROCEDURE**
  age certificate for employment, failure to have, 41-2-113, 41-2-121
  alcoholic beverages
    consumption by, 16-6-314
    "intoxicating substance" defined, 45-2-101
    misrepresentation of age, 16-3-301
    possession by, exception, 45-5-624
    selling to or giving to, 16-6-305, 16-6-314, 45-5-622, 45-5-623
  assault upon, 45-5-201, 45-5-502
  child abuse, 45-5-622
  consent ineffective when, 45-2-211
  contributing to the delinquency of, 45-5-622, 45-5-623
  corporal punishment justified when, 20-4-302, 45-3-107
  custodial interference, 45-5-304
  drugs, See **Drugs**
  employment of minors under 16, 41-2-101, 41-2-113, 41-2-121
    parent or guardian, criminal liability, 41-2-111
  endangering the welfare of children, 45-5-622
  explosives, sale or gift to, 45-5-623
  firearms, use by children under 14, 45-8-344
    parent or guardian liable, 45-8-345
  fireworks, sale or gift to, 45-5-623
  force to restrain justified when, 45-3-107
  indecent exposure to, 45-8-201
  intoxicating substances
    defined, 45-2-101
    possession when, 45-5-624
    selling or giving to, 45-5-622, 45-5-623
  nonsupport, 45-5-621, 45-5-622
  obscenity, providing to, 45-8-201
  pawnbroker or junk dealer, transactions with — when, 45-5-623
  prosecution transferred to criminal court when, 41-5-206
  prostitution, promoting a minor, 45-5-603, 45-5-622
  refrigerator or other container, discarding unlawfully, 45-8-113
  sexual material, offensive
    public display to, 45-8-202
    use in, 45-5-625
  sexual offenses, See **Sexual offenses**
  support by parent or guardian
    endangering the welfare of children, 45-5-622
    nonsupport, 45-5-621, 45-5-622
  theft when victim a minor, time limitation on, 45-1-205
  unlawful transactions with, 45-5-623
  violent material, offensive — public display, 45-8-202
Mischief, criminal, 45-6-101
Misconduct, official, 45-7-401
  "public servant" defined, 45-2-101
Misdemeanors
  arrest in residence at night prohibited, 46-6-105
  classification of offenses, 45-1-201
  defined, 45-2-101
  jurisdiction
    district court, 3-5-302
    justice's court, 3-5-302, 3-10-303
  penalty when none is specified, 46-18-212
    election laws, 13-35-103
  time limitations on prosecution, 45-1-205
Misfeasance, See **Official misconduct**
Mislabeled goods, selling or offering for sale, 45-6-318
Mistreatment of prisoners, 45-5-204
Misuse of public funds, See **Public fund misuse**
Mitigated deliberate homicide, 45-5-101, 45-5-103, See **Homicide, criminal**

CRIMES (Continued)

Mobile home parks, licensing and health violations, 50-52-105
Molotov cocktails, See **Explosives**
Monopolies, 30-14-205, 30-14-208, 30-14-224
Morticians, violation of provisions generally, 37-19-501
Mortuaries, relationships with insurers, 33-18-301
Motels, violations of provisions generally, 50-51-106
Motion pictures, fair trade violations, 30-14-308, See also **Theaters**
Motorboats, See **Boats and boating**
Motor carriers
- m.r.c. or i.c.c. certificate number, failure to display, 69-12-408
- nonpayment of fees and false or fraudulent statements or information, 69-2-205
- violation of provisions generally, 69-12-108

Motor club service companies, violation of provisions generally, 61-12-315
Motorcycles
- unauthorized use, 45-6-308
- violation of provisions generally, 61-9-518

Motor vehicle accidents
- failure to stop and remain at scene, 61-7-103, 61-7-104
- reports
  - failure to make, 61-7-111
  - false information, 61-7-110

Motor vehicle dealers
- license plate provisions, violation generally, 61-4-105
- licensing provisions, violation generally, 61-4-105
- new motor vehicles towed into state, failure to label and issue certificates, 61-4-113
- records, failure to keep, 61-4-105
- sticker provisions, 61-4-111, 61-4-119
- succession to ownership provisions, violation generally, 61-4-136
- violations generally, 61-4-210

Motor vehicle equipment
- animal-drawn vehicles, lack of lamps, 61-9-513
- farm tractors and equipment, lack of lamps, 61-9-513
- fenders or flaps, violation of provisions relating to, 61-9-515
- implements of husbandry, lack of lamps, 61-9-513
- lamps, lack of, 61-9-206, 61-9-513
- motorcycles, violation of provisions generally, 61-9-518
- mud flaps, violation of provisions relating to, 61-9-515
- road machinery, lack of lamps, 61-9-513
- seatbelts, violation of provisions generally, 61-9-409, 61-9-516
- slow-moving vehicles, violation of provisions generally, 61-9-415, 61-9-513
- snow-removal equipment, noncompliance with lighting provisions, 61-9-228
- splash aprons, violation of provisions relating to, 61-9-515
- stop lamps, lack of, 61-9-206
- tire restrictions, violation of, 61-9-519
- tow truck requirements, violation of provisions generally, 61-9-517
- traffic laws, failure to obey, 61-9-104
- unsafe conditions, driving vehicle in, 61-9-109
- violation of provisions generally, 61-9-511

Motor vehicle financial responsibility
- liability insurance
  - cancellation, violation of notice requirements, 33-23-212
  - certification, false information, 61-6-302
  - lack of, 61-6-304
- violation of provisions generally, 61-6-151

Motor vehicle graveyards and wrecking facilities, violation of provisions generally, 75-10-542
Motor vehicle license plates
- camper decal requirements, 61-3-606
- display in county other than residence, 61-3-301
- purchase in county other than residence, 61-3-301
- repainting, 61-3-301
- use on vehicle other than vehicle purchased for, 61-3-301

CRIMES (Continued)

Motor vehicle manufacturers or distributors, violation of financing sales provisions, 61-4-403, 61-4-405
Motor vehicle manufacturers or importers
  franchise revisions, failure to file, 61-4-210
  violations generally, 61-4-210
Motor vehicle registration
  camper decal requirements, violation, 61-3-606
  certificate of ownership or assignment thereof, alteration or forgery, 61-3-603
  driving while registration suspended or revoked, 61-6-151
  foreign vehicle provisions, violation, 61-3-704
  identification numbers, altering, 45-6-326, 61-3-604
  sales tax, nonpayment, 61-3-605
  surrender, failure to, 61-6-151
  violation of provisions generally, 61-3-601
Motor vehicles, See also **Recreational vehicles**; **Vehicles**
  abandoned, violation of provisions generally, 61-12-408
  accidents, See **Motor vehicle accidents**
  camper decal requirements, violation, 61-3-606
  certificate of ownership or assignment thereof, alteration or forgery, 61-3-603
  dealers, See **Motor vehicle dealers**
  diesel-powered vehicles, operation without temporary permit, 15-70-314
  drivers' licenses, See **Drivers' licenses**
  driving, See **Driving and drivers**
  equipment, See **Motor vehicle equipment**
  financial responsibility, See **Motor vehicle financial responsibility**
  foreign, violation of provisions generally, 61-3-704
  gross vehicle weight
    excess weight, 61-10-233
    general violations, 61-10-232
    payment of fees, failure to make, 61-10-209
  habitual traffic offenders, operation by, 61-11-213
  highway patrol, jurisdiction, 44-1-1001
  hunting from, 87-1-102, 87-3-101
  identification numbers, obscuring, 45-6-326, 61-3-604
  license plates, See **Motor vehicle license plates**
  machine gun found in, 45-8-306
  manufacturers, See **Motor vehicle manufacturers or distributors**; **Motor vehicle manufacturers or importers**
  propane-powered vehicles, violations, 15-71-105
  registration, See **Motor vehicle registration**
  rivers and streams, junk vehicles as reinforcement in, 75-7-106
  sales tax, nonpayment, 61-3-605
  seatbelts, violation of provisions generally, 61-9-516
  size, weight, and load
    gross weight provisions, violation of standards, 61-10-144
    size and weight, special permit violations, 61-10-146
    weight limitations and prohibitions, violation of provisions generally, 61-10-147
  slow-moving, violation of provisions generally, 61-9-513
  state-owned, misuse, 2-17-432
  switchblade knives within, 45-8-331
  traffic regulations, See **Traffic regulations**
  trespass, criminal, 45-6-202
    "enter or remain unlawfully" defined, 45-6-201
  unauthorized use, 45-6-308
  venue when offense committed in transit, 46-3-105
Movies, See **Theaters**
Multi-level sales, 45-6-319
Murder, See **Homicide, criminal**
Mustard seed
  crops, persons contracting for — failure to have license, 80-4-313
  violation of provisions generally, 80-4-308
Narcotics, See **Drugs**

CRIMES (Continued)

Natural gas, See **Oil and gas**
Neglect
  animals, cruelty to, 45-8-211
  children, endangering welfare by, 45-5-622
  defined, 1-1-204
Negligence, See also **Mental state**
  defined, 1-1-204
  element of an offense, 45-2-103, 45-2-201
  "negligently" defined, 45-2-101
  substitute for negligence, 45-2-102
Negligent arson, 45-6-102
Negligent homicide, 45-5-101, 45-5-104, See **Homicide, criminal**
"Negligent" or "negligently" defined, 1-1-204
Nepotism, 2-2-304
Noise, loud or unusual
  disorderly conduct, 45-8-101
  public nuisance, 45-8-111
Nonfeasance, See **Official misconduct**
Nonprofit corporations, See **Corporations**
Nonsupport, 45-5-621
  aggravated nonsupport, 45-5-621
  children, endangering the welfare of, 45-5-622
  indigent parents, 40-6-302
Notaries public, falsification to, 45-7-202
Notices, legal — printer's overcharge or false affidavit to state, 18-7-205
Noxious weed seeds, violation of interstate embargo against, 80-7-703
Nuclear wastes, disposal of large quantities, 75-3-303
Nuisance
  disorderly conduct, 45-8-101
  indictment or information as remedy, 27-30-202
  public nuisance, 45-8-111
    action to abate, 45-8-112
    defined, 45-8-111
    extent of annoyance or damage, 45-8-111
    mausoleum-columbarium construction violations, 35-21-712
  specific performance to enforce, 27-1-401
Nurseries and nurserymen, violation of provisions generally, 80-7-133
Nurses
  licenses
    expiration, practice following, 37-8-431
    lack of, 37-8-401, 37-8-443
  violation of provisions generally, 37-8-443
Nursing home administrators, violation of provisions generally, 37-9-312
Oaths
  false swearing, 45-7-202
  perjury, 45-7-201
Obscenity, 45-8-201
  children, use in, 45-5-625
  city authority, 7-31-4104, 7-32-4302
  contraceptive drugs and devices, unlawful sale and advertisement, 45-8-204
  defined, 45-8-201
  evidence, admissible, 45-8-201
  local government authority, 7-31-4104, 45-8-201
  motion picture theater employees, liability, 45-8-203
  sexual material, offensive — public display, 45-8-202
  telephone communication, obscene language, 45-8-213
  violent material, offensive — public display, 45-8-202
  voter information pamphlets, 13-27-408, 13-27-409
Obstructing a peace officer or other public servant, 45-7-302
  department of commerce officer, 30-12-502
  election officials, 13-35-203

CRIMES (Continued)

Obstructing a peace officer or other public servant (Continued)
  officer acting in an illegal manner, no defense, 45-7-302
  "public servant" defined, 45-2-101
Obstructing justice, 45-7-303
Occupational health law violations, 50-70-118
Occupational safety law violations, 50-71-110
Offenders, See **OFFENDERS, FORMER**; **PRISONERS**
Offense
  causal relationship, 26-1-601, 26-1-602, 45-2-201
  classification as felony or misdemeanor, 45-1-201
  committed when, 45-1-205
  defined, 45-2-101, 46-1-201
  drugs, dangerous, Title 45, chapter 9, See **Drugs**
  elements of, 45-2-103, 45-2-201, 45-2-202
  inchoate, Title 45, chapter 4
  person, against, Title 45, chapter 5
  property, against, Title 45, chapter 6
  public administration, against, Title 45, chapter 7
  public order, against, Title 45, chapter 8
  threat to commit, 45-5-203
Official and political offenses, See **Public officers and employees**
Official misconduct, 45-7-401
  election officials, 13-35-204, 13-35-217
  "public servant" defined, 45-2-101
Oil and gas, See also **Gasoline and petroleum products**
  conservation violations, 82-11-148
  deposits or leases — false classification, appraisal, or statements, 77-3-409, 77-3-410
  financing, fraudulent, 30-14-704
  seismic operations, violations generally, 82-1-110
Omission, crimes of — jurisdiction, 46-2-101
Open Meeting Law, conducting a meeting in violation of, 45-7-401
Opiates, See **Drugs**
Optometrists, violation of provisions generally, 37-10-301, 37-10-313
Orchards, violation of provisions generally, 80-7-210
Osteopaths
  diploma, false representation as holder of, 37-5-312
  drugs, prescribing, 37-5-305
  license, practicing without, 37-5-301, 37-5-312
  surgery, performing — when, 37-5-305
Outdoor advertising, violation of provisions generally, 75-15-134
Paints, labeling violations, 30-12-1006
Pandering, See **Obscenity**; **Prostitution**
Parent and child, See also **Family, offenses involving**; **Minors**
  child abuse, 45-5-622
  corporal punishment, 45-3-107
  custodial interference, 45-5-304
  deaf and blind, Montana state school for the — noncompliance with mandatory admission application provisions, 20-8-105
  employment of child, criminal liability, 41-2-111
  firearms, use by children under 14, 45-8-344
    liability of parent, 45-8-345
  incest, 45-5-613
    "cohabit" defined, 45-2-101
    "sexual intercourse" defined, 45-2-101
  indigent parents, nonsupport of, 40-6-302
  prostitution, promoting, 45-5-602, 45-5-603
  support
    endangering the welfare of children, 45-5-622
    nonsupport, 40-6-302, 45-5-621, 45-5-622
Parks, state
  damage or destruction of property, 23-1-106, 45-6-101

CRIMES (Continued)

Parks, state (Continued)
  property, damage or destruction of, 23-1-106, 45-6-101
  use and protection of park, violations generally, 23-1-106
Parole hearings, disobedience to subpoena, 46-23-207
Party line, See **Telephone and telegraph**
Pawnbrokers and junk dealers
  military property, pawning, 10-1-613, 10-1-615
  refrigerator or other container, discarding unlawfully, 45-8-113
  transactions with children unlawful when, 45-5-623
  violations generally, 31-1-407
Peace officers
  arrest by, See **ARREST**
  defined, 45-2-101
  failure to aid, 45-7-304
  failure to report a felony, 45-7-305
  false alarms to, 45-7-204
  false reports to, 45-7-205
  gambling provisions
    failure to enforce, 23-5-126, 23-5-323, 23-5-423, 23-5-508
    protection, offering to offenders, 23-5-127
  health officials, failure to assist, 50-2-120
  impersonating, 45-7-209
  mistreating prisoners, 45-5-204
  obstructing, 45-7-301, 45-7-302
  "public servant" defined, 45-2-101, See **Public officers and employees**
  resisting arrest, See **Arrest**
  violence to, 45-7-301
Pedestrians
  roadways, walking along or on — when, 61-8-506
  school children, driving through groups of — when, 61-8-502
Penal code, See **Criminal Code of 1973**
Penalties
  no penalty specified, 46-18-212
    election laws, 13-35-103
  sentence, See **SENTENCING**
  specific, See specific offense
Perjury, 45-7-201, See also **False swearing**
  bank financial report, falsification, 32-1-233
  facility siting requirements or rules not being enforced, false statements in resident's affidavit concerning, 75-20-404
  fire violations, investigation, 50-63-305
  insurance examinations, investigations, or hearings, 33-1-315, 33-1-316
  investigative subpoenas, on, 46-4-304
  mine siting and reclamation violations, perjured statements by public officer who has failed to enforce, 82-4-142, 82-4-252
  pleas, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
  revenue, department of — false testimony to, 15-1-302
  securities investigations, 30-10-304
  state tax appeal board, false testimony to, 15-2-201
  unfair trade practices, investigations, 30-14-221
  utilities
    hearings, testimony of witnesses, 69-3-329
    reports and records, false oaths, 69-3-205
  witnesses
    number sufficient to prove a fact, 26-1-301
    self-incrimination, liability for perjury, 46-15-311
Personal property, See **Property**
Personal representative
  "public servant", defined as, 45-2-101, See **Public officers and employees**
Person, offenses against, Title 45, chapter 5
Pesticides
  adulterated or misbranded, 80-8-202

CRIMES (Continued)

Pesticides (Continued)
  applicators, lack of license, 80-8-204
  dealers, lack of license, 80-8-207
  embargoed articles, removal or disposal, 80-8-303
  formulas, revealing information concerning — when, 80-8-202, 80-8-306
  labels — lack of, improper, alteration, detaching, or destroying, 80-8-202
  registration, lack of, 80-8-202
  sales, when, 80-8-202, 80-8-303
  violation of provisions generally, 50-30-304, 80-8-211, 80-8-305, 80-8-306
  white powder pesticides, sale when, 80-8-202
Petit larceny, See **Theft**
Pharmacists
  advertising, use of specific words in — when, 37-7-321, 37-7-322
  assumed name, practice under, 37-7-301
  inspections, refusal to permit, 37-7-201
  medical practitioners, unlawful practices between, 37-2-103
  opiates — sale or prescription, coding, or refilling, 37-7-401, 37-7-402
  pharmacy license, lack of, 37-7-321
  poisons, failure to record sales, 37-7-405
  prescriptions, compounding or dispensing when, 37-7-301
  renewal fee, nonpayment — practice unlawful, 37-7-303
  selling, compounding, or dispensing drugs, medicines, chemicals, or poisons when, 37-7-301
  violation of provisions generally, 37-7-323
Physical therapists
  false oath or fraudulent representation in obtaining license, 37-11-302
  unauthorized representation as, 37-11-301
  violation of provisions generally, 37-11-322
Physicians
  assistants or supervising physicians, violations generally, 37-20-104
  drug addicts, failure to report prescriptions to, 37-2-111
  violation of provisions generally, 37-3-325
Pipeline carriers
  discrimination by, 69-13-105
  nonpayment of fees and false or fraudulent statements or information, 69-2-205
  violation of provisions generally, 69-13-105
Plumbers, violation of provisions generally, 37-69-324, 50-60-515
Podiatrists
  license, practicing without, 37-6-301
  violation of provisions generally, 37-6-312
Poisons
  sales, failure to record, 37-7-405
  selling, compounding, or dispensing when, 37-7-301
Police, See **Peace officers**
Police officers' retirement system, false statements and falsification of records, 19-9-108
Political parties
  bribery of party officials, 45-7-101
  "party official" defined, 45-2-101
  threats and other improper influence on party officials, 45-7-102
Pollution as public nuisance, 45-8-111, See also **Air quality**; **Water quality**
Pornography, See **Obscenity**
Possession as element of offense, 45-2-202, See also specific offense
Poultry
  baby birds, sales, 81-8-401, 81-8-402
  importation from diseased areas, 81-2-112
  industry, violation of provisions generally, 81-20-103
Predators
  aerial hunting, violation of provisions generally, 81-7-511
  bounties, See **Bounties**
Prenatal serological test provisions, violation, 50-19-103, 50-19-108
Price fixing, 30-14-205, 30-14-216, 30-14-224
Printer's overcharge or false affidavits to state, 18-7-205

CRIMES (Continued)

Prisoners
- assault on, 45-5-204
- communication with, unauthorized, 45-7-307
- escape, 45-3-106, 45-7-303, 45-7-306, 46-23-426
- extradition, violation of rights of accused, 46-30-218
- guard of, assault upon, 45-5-202
- mistreatment of, 45-5-204
- possession of a deadly weapon, 45-8-318
- rights of, violation, 45-5-204
- smuggling articles to, 45-7-307
- supervised release, escape, 45-7-306, 46-23-426

Prisons
- "correctional institution" defined, 45-2-101
- escape, 45-7-306
  - aiding, 45-7-303
  - force to prevent, 45-3-106
  - "official detention" defined, 45-2-101, 45-7-306
- officers and attendants
  - assault on guard, 45-5-202
  - assault on prisoner, 45-5-204

Privacy in communications, See **Communications**

Private investigators
- provisions concerning, See **PRIVATE INVESTIGATORS AND PATROL OPERATORS**
- violation of provisions generally, 37-60-405

Procedure, See **CRIMINAL PROCEDURE**

Process, serving officer's refusal to receive, 25-3-201

Procurement, See **Prostitution**

Produce wholesalers, violation of provisions generally, 80-3-613

Product safety violations, 50-30-304

Profanity
- telephone communication, 45-8-213
- threatening, profane, or abusive language, 45-8-101

Property, See also specific types of property in this main category
- arson, See **Arson**
- burglary, See **Burglary**
- condominiums, violation of provisions, 70-23-1002
- damage or destruction
  - criminal mischief, 45-6-101
  - election materials, 13-35-206
  - fire or explosion, 45-6-102, 45-6-103
  - insurer, defrauding by, 45-6-101
  - mausoleum-columbarium property, 35-21-704
  - mischief, criminal, 45-6-101
  - parks, state, 23-1-106
  - public property, 45-6-101
  - stop and frisk when, 46-5-401
- deception, obtaining or exerting control by, See **Theft**
- defense of, justifiable use of force, 45-3-104, 49-1-103
  - occupied structure, 45-3-103
    - defined, 45-2-101
- defined, 45-2-101
- defrauding creditor when security interest, 45-6-315
- defrauding insurer by damage or destruction, 45-6-101
- explosion, 45-6-102, 45-6-103
- fire, 45-6-102, 45-6-103, See **Arson**
- gates, failure to close, 45-6-101
- generally, Title 45, chapter 6
- hunters, landowner's permission — failure to have, 87-1-102, 87-3-304
- littering as tampering, 45-6-101
  - "tampering" defined, 45-2-101
- lost or mislaid property, theft of, 45-6-302

CRIMES (Continued)

Property (Continued)
  military — sale, pledge, or pawn of, 10-1-613, 10-1-615
  offenses against, Title 45, chapter 6
  rentals of personal property, failure to return, 45-6-309
  robbery, See **Robbery**
  security interest, defrauding creditor when, 45-6-315
  stolen property, See **Theft**
  tampering with another's property, 45-6-101
    "tampering" defined, 45-2-101
  theft, See **Theft**
  threat, obtaining or exerting control by, See **Theft**
  trespass, See **Trespass, criminal**
  unclaimed property, failure to make discovery or delivery, 70-9-316, See also **Abandonment**
  vandalism, 45-6-101
  vehicles, leaving on, 61-8-719
Prophylactics, unlawful sale and advertisement, 45-8-204
Proprietary postsecondary educational institutions
  license or permit, lack of, 20-30-203, 20-30-403
  records, refusal to deposit, 20-30-403
Prosecution, See **CRIMINAL PROCEDURE**, generally
Prostitution, 45-5-601
  minors, encouraging in, 45-5-622
  promoting, 45-5-602
    aggravated offense, 45-5-603
    evidence, admissible, 45-5-604
    "house of prostitution" defined, 45-2-101
    "inmate" defined, 45-2-101
    testimony against spouse admissible, 45-5-604
Psychologists, violation of provisions generally, 37-17-312
Public accountants, See **Accountants**
Public administration, offenses against, Title 45, chapter 7
Public assistance
  financial statement requirements, noncompliance, 40-5-213
  theft, 45-6-305
Public contractors
  false claims against the state, 45-7-210
  licensing violations, 15-50-303
Public display of offensive material, 45-8-202
Public employees, See **Public officers and employees**
Public fund misuse
  appropriations, overspending, 17-8-103, 17-8-104
  fire department relief association disability and pension fund, 19-11-207
  justice of the peace, improper collection or disposition of fees, 3-10-602
  prosecution by attorney general when, 5-13-310
  school officers, 20-1-203
  time limitations on prosecution, 45-1-206
Public meetings of electors, prevention, 13-35-213
Public nuisance, See **Nuisance**
Public officers and employees
  bribery of, 23-5-127, 45-7-101, 45-7-103, 45-7-104, 90-2-128
  compensation for past official behavior, 45-7-103
  contracts, purchase — deceptive practices, 18-4-105
  elections, campaigning restrictions, 13-35-226
  facsimile signatures and seals, misuse, 2-16-114
  false alarms to, 45-7-204, 45-8-101
  false reports to, 45-7-205, 45-8-101
  false swearing to, 45-7-202
  falsification in official matters, See **Falsification in official matters**
  gambling provisions
    failure to enforce, 23-5-126
    protection, offering to offenders, 23-5-127

CRIMES (Continued)

Public officers and employees (Continued)
  gifts to public servants by persons subject to their jurisdiction, 45-7-104
  impersonation of a public servant, 45-7-209
  income tax information, disclosure, 15-30-303
  misconduct, official, 45-7-401
  misuse of public funds, See **Public fund misuse**
  motor vehicles, state-owned — misuse, 2-17-432
  nepotism, 2-2-304
  obstruction of a peace officer or other public servant, 45-7-302
  official misconduct, 45-7-401
  "official proceeding" defined, 45-2-101
  perjury, 45-7-201
  political activity by, 13-35-226
  "public servant" defined, 45-2-101
  renewable resource development projects, bribery on, 90-2-128
  state lands violations, 77-1-112, 77-1-115, 77-3-408 — 77-3-410
  threats and other improper influence in official or political matters, 45-7-102
Public order, offenses against, Title 45, chapter 8
Public records and information
  ballot issues, falsification of petition, 13-27-106, 13-27-204 — 13-27-207
  election records, 13-35-205, 13-35-207
  falsification, unsworn, 2-16-612, 45-7-203
  tampering with, 2-16-612, 45-7-208
    "tampering" defined, 45-2-101
  teachers' retirement, falsification, 19-4-105
  vital statistics — disclosure, falsification, or misuse, 50-15-114
"Public servant" defined, 45-2-101, See **Public officers and employees**
Public Service Commissioners or personnel, acceptance of favors, 69-1-112
Public services, interruption or impairment, 45-6-101
Punishment for, See **SENTENCING**
Purchase contracts, state — collusion or transfer, 18-4-105
Purposely, See also **Mental state**
  defined, 45-2-101
  element of an offense, 45-2-103, 45-2-201
Purposes of Criminal Code of 1973, 45-1-102
Quarantine violations, 50-1-204
Races and racehorses, See **Horses and horseracing**
Racketeering, See **False pretenses and fraud**; **Intimidation**
Radioactive substances
  disposal of large quantities, 75-3-303
  violation of provisions generally, 50-30-104, 75-3-405
Radiologic technologists, violation of provisions generally, 37-14-323
Railroads
  animals, abandoning on, 45-8-211
  bills of lading, violation of issuance provisions, 69-14-215
  caboose size and equipment violations, 69-14-232
  cattle guard provisions, violation generally, 69-14-706
  confiscation of coal or fuel, 69-11-108
  derailment, deposit of substance to cause, 45-8-113
  fencing provisions, violation generally, 69-14-706
  health provisions, violation generally, 69-14-562
  highway crossings, extended obstruction, 69-14-626
  livestock
    crossing provisions, violation generally, 69-14-706
    injury or death provisions, violation generally, 69-14-713
  loading platform provisions, violation generally, 69-14-805
  locomotive engines
    headlight and speedometer violations, 69-14-236
    identifying numbers, lack of, 69-14-237
  nonpayment of fees and false or fraudulent statements or information, 69-2-205
  offices, failure to maintain public telephones, 69-6-103
  personnel, intoxication — when, 69-14-1004

CRIMES (Continued)

Railroads (Continued)
  physicians and surgeons, nonpayment for services, 69-14-1005
  rates
    excess, in — for shorter distances than longer distances, 69-14-303
    violations generally, 69-14-560
  safety provisions, violation generally, 69-14-562
  schedules, refusal to post information concerning, 69-14-203
  ticket sales, when, 69-14-212, 69-14-213
  track motor car equipment violations, 69-14-238
  tunnel charges, 69-14-304
Ransom, holding for, 45-5-303
Rape, See **Sexual offenses**
Real estate brokers
  lack of license, 37-51-301
  violation of provisions generally, 37-51-323
Real property, See **Property**
Reckless driving, 61-8-715
Recordings, See **Sound recordings**
Records, public, See **Public records and information**
Recreational vehicles, See also **Motor vehicles**; **Vehicles**
  boats, See **Boats and boating**
  camper decal requirements, violations, 61-3-606
  snowmobiles, See **Snowmobiles**
  tramways, dangerous use of, 23-2-704
  unauthorized use, 45-6-308
Refrigerator or other container, discarding unlawfully, 45-8-113
Refuse, dumping or leaving, 61-8-365, 75-10-212, 75-10-213, 75-10-233
Remains, human, See **Corpses**
Rendering or disposal plants
  dead or fallen animal plants, violation of provisions generally, 81-9-317
  licenses
    failure to have, 81-9-301, 81-9-306
    revocation, operation following, 81-9-306
  restraining orders, operation in violation of, 81-9-306
Renewable resource development projects, bribery of public officers, 90-2-128
Rentals of personal property, failure to return, 45-6-309
Repeal of law creating offense, effect, 1-2-205
Resisting arrest, See **Arrest**
Responsibility, criminal, See **Accountability**
Restraint of trade, 30-14-205, 30-14-224
Restraint, unlawful, 45-5-301
Retail installment sales
  contract violations, 31-1-203
  licensee, failure to comply with provisions, 31-1-211
  violations generally, 31-1-203
Rights of prisoners, violation of, 45-5-204
Riot, 45-8-103, See also **Breach of the peace**
  armed men, bringing into the state, 45-8-106
  city powers, 7-32-4302
  disorderly conduct, 45-8-101
    failure of disorderly persons to disperse, 45-8-102
  force, justifiable use, 45-3-103
  incitement to, 45-8-104
  syndicalism, criminal, 45-8-105
Rivers and streams
  alteration projects
    lack of consent for, 75-7-123
    time extensions, 75-7-124
  junked motor vehicles as reinforcement, 75-7-106
Roadblock, traveling through, 46-5-505
Road machinery, lack of lamps, 61-9-513

CRIMES (Continued)

Robbery, 45-5-401, See also **Assault**; **Burglary**; **Theft**
  minors charged in district court when, 41-5-206
  sentence
    deferral or suspension, 46-18-201
    fine as additional sentence, 46-18-231
  venue, 46-3-202
Rout, See **Riot**
Sabotage, See **Riot**
Safety law violations, 50-71-110
Sales
  adulterated goods, 45-6-318
  auction sales, violations generally, 30-11-514
  chain distributor schemes, 45-6-319
  commission merchants, violations generally, 30-11-403
  contraceptive drugs and devices, sale and advertisement unlawful when, 45-8-204
  deceptive business practices, 45-6-317, 45-6-318
  door-to-door sales, See **Door-to-door sales**
  drugs, dangerous, See **Drugs**
  explosives, See **Explosives**
  fish or game, See **Fish and wildlife**
  indian articles, violations generally, 30-14-604
  installment, See **Retail installment sales**
  invoices, alteration, 30-14-218, 30-14-224
  lottery tickets, 23-5-204
  machine guns, See **Weapons**
  mausoleum-columbarium violations, 35-21-415 — 35-21-417
  minors, unlawful transactions with, 45-5-623
  mislabeled commodities, 45-6-318
  multi-level, 45-6-319
  obscenity, 45-8-201
  personal solicitation sales, violations generally, 30-14-508, See also **Door-to-door sales**
  rebates, secret, 30-14-215, 30-14-224
  retail installment, See **Retail installment sales**
  switchblade knives, 45-8-331
  telephone sales, violations generally, 30-14-508
  unfair competition, 30-14-207, 30-14-209, 30-14-224
Sanitarians, violation of provisions generally, 37-40-312
Savings and loan associations, See **Building and loan associations**
Savings banks, See **Banks and trust companies**
Sawmills, portable — violation of provisions generally, 76-13-506
Scaffolds, improper, 50-77-101, 50-77-103, 50-77-107
School buses, operation of flashing lights when, 61-8-352
School district architectural service contracts, contingent fees, 20-6-636
School elections, false swearing before election judge, 20-20-303
School employees, acceptance of textbook dealers' emoluments or inducements, 20-7-608
School officers
  agents or solicitors, acting as, 20-1-201
  misappropriation of funds, 20-1-203
  successor, nondeliverance of materials to, 20-1-203
  textbook dealers' emoluments or inducements, acceptance, 20-7-608
Schools
  building plans and specifications, requirements for, 20-6-624
  disturbance, willful, 20-1-206
  enrollment provisions, noncompliance, 20-5-106
  laws generally, 20-1-207
  punishment of students, corporal — justified when, 20-4-302, 45-3-107
  pupils
    abuse, 20-4-302
    driving through groups of, when, 61-8-502
  secret organizations, 20-5-203
  teachers, abuse, 20-4-303
School trustees, nonpayment of bond sale moneys to county treasurer, 20-9-435

CRIMES (Continued)

Search and seizure, See **SEARCH AND SEIZURE**
Seatbelts, violation of provisions generally, 61-9-516
Securities
  dealers, transaction of business without a license, 30-10-201
  filings, false or misleading, 30-10-302
  fraud or deception, 30-10-301 — 30-10-303
  investment adviser, business restrictions, 30-10-201, 30-10-301
  penalties, 30-10-306
  perjured testimony, 30-10-304
  registration
    misrepresentation, 30-10-303
    sale without, 30-10-202
  salesmen, business restrictions, 30-10-201
  theft, 30-8-405
  violations generally, 30-10-306
Sedition, See **Riot**
Seeds, See **Agricultural seeds**
Seismic operations, violations generally, 82-1-110
Self defense, See **Force, justifiable use of**
Sentencing, See specific offense; **SENTENCING**
Serial numbers, obscuring, 45-6-326
Servitude, involuntary — holding in a position of, 45-5-303
Sexual offenses
  age of victim
    defense when, 45-5-506
    sexual assault, 45-5-502
    sexual intercourse without consent, 45-5-503
    "without consent" defined, 45-5-501
  consent
    defense to incapacity to consent, 45-5-506
    ineffective when, 45-2-211, 45-5-502
    voluntary social companion, 45-5-506
    "without consent" defined, 45-5-501
  deviate sexual conduct, 45-5-505
    "deviate sexual relations" defined, 45-2-101
    without consent, punishment, 45-5-505
  incest, 45-5-613
    "cohabit" defined, 45-2-101
    "sexual intercourse" defined, 45-2-101
  indecent exposure, 45-5-504, 45-8-201
  married persons
    indecent exposure, spouse excluded, 45-5-504
    sexual assault, spouse excluded, 45-5-502
    sexual intercourse without consent, spouse excluded, 45-5-503
    spouse defined for purposes of exclusions, 45-5-506
  obscenity, See **Obscenity**
  prostitution, See **Prostitution**
  sexual abuse of children, 45-5-625
  sexual assault, 45-5-502
    bodily injury inflicted, punishment, 45-5-502
    sentence, fine as additional sentence, 46-18-231
    "sexual contact" defined, 45-2-101
  sexual intercourse without consent, 45-5-503
    bodily injury inflicted, punishment, 45-5-503
    medical evidence, payment, 46-15-411
    minors charged in district court when, 41-5-206
    sentence
      deferral or suspension, 46-18-201
      fine as additional sentence, 46-18-231
    "sexual intercourse" defined, 45-2-101
  videotaped testimony, 46-15-401 — 46-15-403

CRIMES (Continued)

Sheep
  abandonment, 81-5-103
  transporting without permit, when, 81-5-201
Sheriffs' retirement system, false statements or falsification of records, 19-7-104
Shoplifting, See **Theft**
Short title of Criminal Code of 1973, 45-1-101
Signs, outdoor — violation of provisions generally, 75-15-134
Silencers, unlawful when, 45-8-336, 45-8-337
Slander as criminal defamation, 45-8-212, See **Defamation, criminal**
Slaughterhouses
  sale of carcasses
    diseased, without inspection, 81-9-204
    unsanitarily slaughtered or handled, 81-9-203
  violation of provisions generally, 81-9-206
Slot machines, possession, 23-5-102 — 23-5-105
Snowmobiles
  decal for fee in lieu of property tax, failure to display, 23-2-642
  nonresident temporary use sticker, failure to display, 23-2-615
  unauthorized use, 45-6-308
Snow-removal equipment, noncompliance with lighting provisions, 61-9-228
Sodomy, See **Sexual offenses**
Solicitation, 45-4-101, See also **Accountability**; **Prostitution**
  jurisdiction of state, 46-2-101
  "solicit or solicitation" defined, 45-2-101
Solid wastes
  disposal in unauthorized areas, 75-10-212
  management, violation of provisions generally, 75-10-232
Sound recordings
  communications, 45-8-213
  manufacture, unauthorized, 30-13-142
  sale of unauthorized recording, 30-13-142, 30-13-143
  sale without proper recording identification, 30-13-144
Specific performance, 27-1-401
Sports and sporting events, See also specific sport
  bribery, 45-8-214
  cockfights, 45-8-211
  pools, violations, 23-5-508, 23-5-509
State finance, false claims against the state, 45-7-210
State lands
  sale or advertising for sale, when, 77-4-201
  violations generally, 77-1-112, 77-1-115, 77-3-408 — 77-3-410
State officials, See **Public officers and employees**
State of mind, See **Mental state**
State parks, See **Parks, state**
Statutes of limitation, See **STATUTES OF LIMITATION**
Statutory rape, See **Sexual offenses**
Stealing, See **Burglary**; **Robbery**; **Theft**
Steam engine or boiler, maintaining in unsafe condition, 45-8-113
Stolen property, See **Property**; **Theft**
Subdivisions
  local regulations, 76-3-105
  out-of-state, in-state sales — violations generally, 76-4-1245
  out-of-state sales, violations generally, 76-4-1115
  sale, lease, or transfer provisions — violation generally, 76-3-105
Subversion, See **Riot**
Suicide, aiding or soliciting, 45-5-105
Supervised release, escape, 45-7-306, 46-23-426
Support of dependents, See **Nonsupport**
Swearing, false, See **Oaths**
Swimming pool or area violations, 50-53-109
Swine, See **Livestock**
Switchblade knives, unlawful when, 45-8-331

CRIMES (Continued)

Syndicalism, criminal, 45-8-105
Tampering
- boiler safety valves, 50-74-108
- defined, 45-2-101
- election materials, 13-27-106, 13-27-204 — 13-27-207, 13-35-205 — 13-35-207
- physical evidence, 45-7-207
- property, 45-6-101
- public records or information, 2-16-612, 45-7-208
- witnesses and informants, 45-7-206

Tapes, See **Sound recordings**
Taxation
- aviation gasoline, unlawful use, 15-70-231
- building and loan associations, property tax violation, 15-24-801
- cement license tax violations
  - dealers, 15-59-211
  - producers, 15-59-111
- classification application by disabled, elderly, or widowed person — falsification, 15-6-151
- coal retailers' license tax
  - failure to file statements, 15-58-124
  - falsification, 15-58-124
  - violations generally, 15-58-125
- coal severance tax, failure to file, 15-35-110
- custom combiners, violations by, 15-24-1001
- freight line companies license tax, refusal to provide information, 15-55-104
- gasoline taxes
  - aviation gasoline, unlawful use, 15-70-231
  - license tax violations generally, 15-70-232
  - special fuels violations generally, 15-70-336
- income tax, individual
  - disclosure of information, 15-30-303
  - payment, failure to pay, 15-30-321
  - property tax relief, false claims, 15-30-179
  - return
    - failure to file, 15-30-321
    - fraudulent, 15-30-145, 15-30-321
  - withholding violations, 15-30-209
- investigations, perjury, 15-1-302
- liquified petroleum gas, vehicles propelled by — violation of provisions, 15-71-105
- metal mines license tax, refusal to allow examination of records, 15-37-109
- micaceous mineral mines license tax violations, 15-37-209
- mobile homes
  - failure to display or produce documentation, 15-24-204
  - movement without payment of taxes, 15-24-208
- oil and gas severance tax
  - failure to file or falsification of statement, 15-36-106
  - violations generally, 15-36-109
- propane-powered vehicle license tax violations, 15-71-105
- property tax relief, false claims, 15-30-179
- public contractors, failure to file return, 15-50-303
- revenue, department of — false testimony to, 15-1-302
- state tax appeal board, false testimony to, 15-1-302
- store licensing, violations, 15-57-110
- transfer recording provisions, violation, 15-7-310

Teachers' retirement system, false statements or falsification of records, 19-4-105
Telephone and telegraph
- charges, aiding avoidance, 45-6-307
- defraud, obtaining with intent to, 45-6-305, 45-6-306
- emergency, failure to yield party line or public telephone in, 45-8-114
- express company offices, failure to maintain public telephone, 69-6-103
- obscene phone calls, 45-8-213
- party line or public telephone, failure to yield in emergency, 45-8-114
- privacy in communications, violation of, 45-8-213, 69-6-104

CRIMES (Continued)

Telephone and telegraph (Continued)
  profane, threatening, or abusive language, 45-8-213
  property, damage causing interruption or interference, 45-6-101
  railroad offices, failure to maintain public telephones, 69-6-103
  recording communications when, 45-8-213
  sales by, violations generally, 30-14-508
  telegraph offices, failure to maintain public telephones, 69-6-103
  theft of services, 45-6-305 — 45-6-307
  threatening, profane, or abusive language, 45-8-213
  wiretapping, illegal, 45-8-213
Television, theft of cable services, 45-6-305 — 45-6-307
Terrorism, See **Riot**
Textbook dealers
  doing business without license, 20-7-606
  emoluments or inducements, offering, 20-7-608
Theaters
  fair trade violations, 30-14-308
  motion picture theater employees, liability, 45-8-203
  obscenity, 45-8-201
  sexual material, offensive — public display, 45-8-202
  violent material, offensive — public display, 45-8-202
Theft, 45-6-301, See also **Burglary**; **Robbery**
  banks and trust companies, 32-1-473
    hypothecation of property received unlawful when, 32-1-471
  commercial paper, See **COMMERCIAL PAPER**
  "common scheme" defined, 45-2-101
  communications services, 45-6-305 — 45-6-307
  concealment not proof, 46-6-504
  "deception" defined, 45-2-101, See also **False pretenses and fraud**
  "deprive" defined, 45-2-101
  documents of title, See **DOCUMENTS OF TITLE**, **Lost, stolen, or destroyed document**
  fraud, See **False pretenses and fraud**
  false pretenses, See **False pretenses and fraud**
  fire department relief association disability and pension fund, from, 19-11-207
  full view, merchandise kept in, 30-11-302
  gambling as, 23-5-107
  highway patrol, jurisdiction, 44-1-1001
  insurance agents or solicitors, misappropriation of funds, 33-17-1102
  investigators, See **PRIVATE INVESTIGATORS AND PATROL OPERATORS**
  labor or services, 45-6-305
  lost or mislaid property, 45-6-302
  married person's property, spouse as victim no defense, 45-6-303
  military property, 10-1-613, 10-1-615
  motor vehicles, unauthorized use, 45-6-308
  negotiable instruments, See **COMMERCIAL PAPER**
  "obtains or exerts control" defined, 45-2-101
  offender's interest in property, no defense, 45-6-303
  "owner" defined, 45-2-101
  "possession" defined, 45-2-101
  "property" defined, 45-2-101
  "property of another" defined, 45-2-101
  public assistance, 45-6-305
  public officer, misuse of public funds
    prosecution by attorney general, when, 5-13-310
    time limitations on prosecution, 45-1-206
  securities, 30-8-405
  shoplifting
    arrest provisions, See **ARREST**
    city powers, 7-32-4303
    concealment not proof, 46-6-504

CRIMES (Continued)

Theft (Continued)
- stolen property, obtaining control of, 45-6-301
  - effect of possession, 45-6-304
  - pawn of, 31-1-403 — 31-1-406
  - "stolen property" defined, 45-2-101
  - venue, determination by, 46-3-202
- stop and frisk when, 46-5-401
- temporary use, 45-6-305
- "threat" defined, 45-2-101
- time limitation
  - fiduciary obligation, theft by breach of, 45-1-205
  - public funds, theft by public officer, 45-1-206
- "value" defined, 45-2-101
- venue, 46-3-202
- welfare fraud, 45-6-305

Threats
- defined, 45-2-101
- intimidation, 45-5-203
- language, threatening, 45-8-101
- official or political matters, threats and other improper influence, 45-7-102
- telephone communications, 45-8-213
- theft by, 45-6-301

Time limitations, See **STATUTES OF LIMITATION**

Toilets at construction sites, failure to maintain, 50-77-105, 50-77-107

Tow truck requirements, violation of provisions generally, 61-9-517

Trade practices, See **Business practices**

Traffic
- military right-of-way, obstructing, 10-1-602
- obstructing, 45-8-101, 45-8-111

Traffic regulations
- careless driving, 61-8-716
- conservation speed limit, violation, 61-8-718
- controlled-access highways
  - traffic-control devices, placement on — when, 61-8-203
  - use restrictions, violation of, 61-8-331, 61-8-332, 61-8-720
- drag racing, 61-8-717
- littering, 61-8-365
- obedience to, lack of, 61-8-104, 61-9-104
- property, public — leaving vehicle on, 61-8-719
- reckless driving, 61-8-715
- refuse on highway, 61-8-365
- school buses, operation of flashing lights when, 61-8-352
- speed limit, speed in excess of, 61-8-303, 61-8-304
- traffic-control devices
  - controlled-access highways, placement on — when, 61-8-203
  - injury or removal, 61-8-713
  - unauthorized, erection, 61-8-712
- violations generally, 61-8-711

Trailer courts, licensing and health violations, 50-52-105

Tramways, dangerous use of, 23-2-704

Transferring illegal articles or unauthorized communications, 45-7-307
- "illegal article" defined, 45-2-101

Transition from previous criminal code, 45-1-103

Trapping, See also **Fish and wildlife**
- closed season, during, 87-1-102, 87-2-103
- failure to pick up or attend traps, 87-3-506
- licensing, See **Fish and game licenses and permits**

Treason, See also **Riot**
- arrest exemptions inapplicable, 13-1-115, 46-6-102
- confession, 46-16-202
- evidence, 46-16-202
- extradition, 46-30-201, See **EXTRADITION**

CRIMES (Continued)

Treason (Continued)
  venue, 46-3-206
  witnesses, number sufficient to prove, 26-1-301, 46-16-202
Trees, coniferous — unlawful transportation, 76-13-601
Trespass, criminal, See also **Burglary**; **TRESPASS**, generally
  civil liability not enlarged, 45-6-201
  "enter or remain unlawfully" defined, 45-6-201
  military property, 10-1-612
  mining lands, unauthorized entry for reclamation by board of land commissioners excluded, 82-4-239
  real property, 45-6-203
    military, 10-1-612
  vehicles, 45-6-202
Trial, See **CRIMINAL PROCEDURE**
Trust companies, See **Banks and trust companies**
Tuberculin sale or distribution, violation of provisions generally, 81-2-603
Unclaimed property, failure to make discovery or delivery, 70-9-316, See also **Abandonment**
Unfair trade practices, See **Business practices**
Uniform Machine Gun Act, 45-8-301 — 45-8-309, See **Weapons**
University system degrees awarded without approval of adequate requirements, 20-25-107
Unlawful restraint, 45-5-301
Utilities
  damage to property causing interruption or impairment, 45-6-101
  lines, interference, 69-4-604
  national electrical safety code, violation of, 69-4-205
  nonpayment of fees and false or fraudulent statements or information, 69-2-205
  rates, tolls, and charges
    deviations, 69-3-305
    unjust and unreasonable, 69-3-201
  rebates when, 69-3-305
  reports and records, false oaths, 69-3-205
Vandalism, See **Property**, damage or destruction
Vegetable and fruit disease control provisions, violation generally, 80-7-210
Vehicles, See also **Motor vehicles**; **Recreational vehicles**
  aircraft, See **Aircraft**
  boats, See **Boats and boating**
  defined, 45-2-101
  hunting from, 87-1-102, 87-3-101
  identification numbers, obscuring, 45-6-326
  machine gun found in, 45-8-306
  snowmobiles, See **Snowmobiles**
  switchblade knives within, 45-8-331
  trespass, criminal, 45-6-202
    "enter or remain unlawfully" defined, 45-6-201
  venue when offense committed in transit, 46-3-105
Vending machines, contraceptive sales through, 45-8-204
Venereal diseases, violation of provisions generally, 50-18-113
Venue, See specific offense; **VENUE**
Veterans, See also **Military affairs**
  compensation for service on board of veterans affairs when, 10-2-105
  license plates, free — violation of provisions, 10-2-304
Veterinarians, violation of provisions generally, 37-18-501
Vicarious liability, corporations, See **Accountability**
Victims
  accountability, 45-2-302
  compensation, See **CRIME VICTIMS REPARATION**
  consent, See **Consent of victim**
  mental disease or defect, See **Mental disease or defect of victim**
Visually handicapped persons' rights, violation of, 49-4-215, 49-4-217
Vital statistics information — disclosure, falsification, or misuse, 50-15-114
Voluntary act as element, 45-2-202

CRIMES (Continued)

Volunteer firefighters' compensation, false statements or claims, 19-12-104
Voting and voters
  bribery, 45-7-101
  generally, Title 13, chapter 35
  threat or other improper influence on, 45-7-102
Wage brokers, violations of provisions, 31-1-309
Warehouse receipts
  defective title, negotiation with, 30-7-706
  delivery, issuance of receipt without, 30-7-701
  delivery without negotiable receipt, 30-7-705
  duplicate, issuance without marking, 30-7-703
  fraudulent issuance, 30-7-702
  grain, unlawful issuance, 80-4-225
  ownership by warehouseman, issuance when, 30-7-704
Water quality
  disposal systems, construction without permit, 75-5-605, 75-5-632
  false statements in documents, 75-5-633
  generally, 75-5-605, 75-5-632
  monitoring devices or methods, falsifying, 75-5-633
  orders, of, 75-5-605, 75-5-632
  permits, violation of provisions generally, 75-5-605, 75-5-632
  pollution of waters, 75-5-605, 75-5-632
  pretreatment standards, 75-5-632
  violation of provisions generally, 75-5-605, 75-5-632
  wastes discharged into waters, 75-5-605, 75-5-632
Water supply, public
  damage to property causing interruption or impairment, 45-6-101
  violation of provisions generally, 75-6-113
Water treatment plant operators
  lack of certificate, 37-42-302
  violation of provisions generally, 37-42-322
Water treatment plants, operation when, 37-42-302
Water well contractors
  license, lack of, 37-43-302, 37-43-312
  violation of provisions generally, 37-43-312
Water wells, failure to fence, 45-8-113
Weapons, See also **Explosives**
  armed men, bringing into the state, 45-8-106
  assault, presumption of, 45-5-201
  concealed weapons, 45-8-315 — 45-8-319, 45-8-331, See **Concealed weapons**
  defined, 45-2-101
  "destructive device" defined, 45-8-332, See **Explosives**
  discharging or firing firearms
    disorderly conduct, 45-8-101
    shooting range, upon — exemption, 45-8-343
    towns or cities, within, 45-8-343
  force, justifiable use of, Title 45, chapter 3, part 1
  identity, obscuring, 45-6-326
  machine guns
    construction of machine gun laws, 45-8-301
    "crime of violence" defined, 45-8-302
    defined, 45-8-302
    exceptions to provisions, 45-8-307
    possession or use
      crime, in connection with a, 45-8-303
      offensive purposes, for, 45-8-304
      presence as evidence of possession, 45-8-306
      presumption of purpose, 45-8-305
    registration, failure to, 45-8-309
      manufacturer's, 45-8-308
      presumption from, 45-8-309
    uniformity of laws, 45-8-301

CRIMES (Continued)

Weapons (Continued)
  maxim silencers, 45-8-336, 45-8-337
  minors, use of firearm by child under 14, 45-8-344
    liability of parent or guardian, 45-8-345
  prisoner's possession of deadly weapon, 45-8-318
  purchase of rifles and shotguns, applicable laws, 45-8-341, 45-8-342
  sentencing, 46-18-221, 46-18-222
  silencer, 45-8-336, 45-8-337
  stop and frisk, officer may take possession, 46-5-402
  switchblade knives unlawful when, 45-8-331
Weights, measures, and grades
  false, 45-6-318
  gross vehicle weight, See **Motor vehicles**
  impersonation of department of commerce officer, 30-12-503
  motor vehicles, See **Motor vehicles**, gross vehicle weight; size, weight, and load
  obstruction of department of commerce officers, 30-12-502
  violations generally, 30-12-504
Welfare, theft, 45-6-305
Wells, failure to cover or fence, 45-8-113
Wheat research and marketing provisions, violations generally, 80-11-211, See also **Grain**
"Willfully" defined, 1-1-204
Wiretapping when, 45-8-213
Witnesses
  contempt, criminal, 45-7-309
  defined, 45-2-101
  false swearing, 45-7-202
  falsification in official matters, See **Falsification in official matters**
  perjury, 33-1-315, 45-7-201
  public servant, witnesses excluded from criminal code definition, 45-2-101
  tampering with, 45-7-206
Zoning
  airport zoning act violations, 67-6-211
  community residential facility provisions, 76-2-315
  county provisions, generally, 76-2-211

CRIME VICTIMS COMPENSATION ACT OF MONTANA, Title 53, chapter 9, part 1

  See **CRIME VICTIMS REPARATION**

CRIME VICTIMS REPARATION

Delinquent youth, by, See **YOUTH COURT, Restitution by youth**
Generally, Title 53, chapter 9, part 1
Workers' Compensation, Division of — powers and duties generally, Title 53, chapter 9, part 1

CRIME VICTIMS REPARATIONS ACT, UNIFORM, Title 53, chapter 9, part 1

  See **CRIME VICTIMS REPARATION**, generally

CRIMINAL CODE OF 1973, Title 45

  See **CRIMES**

CRIMINAL CONVERSATION

  See **SEDUCTION**

CRIMINAL EXTRADITION ACT, UNIFORM, Title 46, chapter 30

  See **EXTRADITION**, generally

CRIMINAL IDENTIFICATION, STATE SYSTEM OF

Cooperation with other agencies, 44-2-206
Establishment, 44-2-201
Failure to provide information, 44-2-205
Federal Bureau of Investigation, cooperation with, 44-2-206
Fingerprints, See **CRIMINAL JUSTICE INFORMATION**
Information, collection and filing, See also **CRIMINAL JUSTICE INFORMATION**
  failure to provide, 44-2-205
  local, 44-2-202
Justice, Department of
  establishment of system, 44-2-201
  information, failure to provide — notice to attorney general, 44-2-205
  local bureaus, assistance to, 44-2-202
Local bureaus, 44-2-202
Salary, withholding for failure to provide information, 44-2-205

CRIMINAL INVESTIGATION, BUREAU OF

See also **CRIMINAL JUSTICE INFORMATION**

Agents and assisting personnel
  appointment, 44-2-112
  attorney general's authority, 44-2-102
  compensation, 44-2-112
  defined, 44-2-111
  powers and duties, 44-2-115
  qualifications, 44-2-113
  retirement, 44-2-114
Attorney general, authority, See **ATTORNEY GENERAL**
Cooperation of state agencies, 44-2-116
Creation, 2-15-2003, 44-2-101
Jurisdiction generally, 44-2-115
Location, 44-2-102
Personnel, See **Agents and assisting personnel**
Powers and duties generally, 44-2-115
State agencies to cooperate, 44-2-116

CRIMINALISTICS

See **CRIMES; LAW ENFORCEMENT**

CRIMINAL JUSTICE INFORMATION

Access, See **Dissemination; Inspection of information**
Accuracy, 44-5-213, 44-5-215
Applicability of laws, disclosure and confidentiality, 44-5-104
Authority of agencies, scope, 44-5-201
Challenge of information, 44-5-215
Citation of Criminal Justice Information Act of 1979, 44-5-101
Collection and processing, scope, 44-5-201
Confidentiality
  applicability of laws, 44-5-104
  dissemination when, 44-5-303
  pardons, board of — records of, 46-23-108
  purpose, 44-5-102
  statistical use of information, 44-5-304
Copies, 44-5-214, 44-5-305
Criminal Justice Information Act of 1979, Title 44, chapter 5
  citation, 44-5-101
  enforcement, 44-5-111
  purpose, 44-5-102
Correction, 44-5-215
Death sentence, no significant history as mitigating circumstance, 46-18-304

CRIMINAL JUSTICE INFORMATION (Continued)

Disclosure, See **Confidentiality**; **Dissemination**; **Inspection of information**
Disputed information, 44-5-215
Dissemination
    challenges to be included, 44-5-215
    confidential information, 44-5-303
    criminal history information, 44-5-302
    fingerprints, upon comparison, 44-5-202
    individual, request of, 44-5-214, 44-5-302, 44-5-305
    pardons, board of — records of, 46-23-108
    public information, 44-5-301
    record of, 44-5-305
    request, 44-5-214
    statistical use, for, 44-5-304
Enforcement of provisions, 44-5-111, 44-5-112
Fingerprints and photographs, See also **Records**
    generally, 44-5-202
    required, 44-5-102
    transmittal of record, required for, 44-5-214
Hearings, 44-5-105
History record information, See this category generally
Inspection of information, 44-5-214, 44-5-215, 44-5-302
Intelligence information, 44-5-103, 44-5-403, 44-5-404
Investigative information, 44-5-103, See also **CRIMINAL IDENTIFICATION, STATE SYSTEM OF; CRIMINAL INVESTIGATION, BUREAU OF**
Justice, Department of
    challenges of information to, 44-5-215
    fingerprinting and photography by, authorization, 44-5-202
    hearings, 44-5-105
    rulemaking authority, 44-5-105, 44-5-213
    state repository, maintenance, 44-5-213
    statistical use of information, review, 44-5-304
    system audits, 44-5-105
Order to enforce provisions, 44-5-111
Photographs, See **Fingerprints and photographs**
Preservation, 44-5-212
Purpose of Criminal Justice Information Act of 1979, 44-5-102
Records, See also this category generally
    accuracy, 44-5-213
    contents, 44-5-211
    correction, 44-5-215
    dissemination, of, 44-5-305
    hearsay exception, exclusion, Title 26, chapter 10, M.R.Ev., Rule 803
    preservation, 44-5-212
    requests for inspection, 44-5-214
    use, 44-5-211, 44-5-304
Repository, See **State repository**
Scope of authority, 44-5-201
State repository
    defined, 44-5-103
    dispositions, notice to, 44-5-213
    fingerprints to, comparison, 44-5-202
    maintenance, 44-5-213
    transmittal of criminal record, 44-5-202
Statistical use, 44-5-303
Systems
    audits, 44-5-105, 44-5-403
    computerized system, 44-5-402, 44-5-403
    defined, 44-5-103
    manual system, 44-5-404
    personnel, 44-5-405
    security precautions required, 44-5-401
Timeliness of information, 44-5-213

CRIMINAL JUSTICE INFORMATION (Continued)

Transmittal of information, See **Dissemination**
Violation of provisions, 44-5-112

CRIMINAL JUSTICE INFORMATION ACT OF 1979, Title 44, chapter 5

See **CRIMINAL JUSTICE INFORMATION**, generally

CRIMINAL PATHOLOGY

See **FORENSIC SCIENCE**

CRIMINAL PROCEDURE

See also generally **COURTS**; **JUDGES AND JUSTICES**; specific court

Absolute liability, 45-2-103, 45-2-104
Accomplices, See also **CRIMES**, **Aiding and abetting**
    sentencing, 46-18-222, 46-18-304
    testimony of accomplice, 26-1-303, 46-16-213
    venue when offense committed in another county, 46-3-104
Accountability, See **CRIMES**
Acquittal
    city court, 46-17-301
    discharge of defendant upon, 46-16-605, 46-18-102
    double jeopardy provisions, effect, 46-11-503, 46-11-504
    fingerprints, return to defendant, 44-5-202
    insufficiency of evidence, 46-16-403
    joinder of charges, acquittal of some, 46-11-404
    justice's court, 46-17-301
    new trial, upon motion for, 46-16-702
    pardons, board of — statistical data to, 46-23-106
    photographs, return to defendant, 44-5-202
    reasonable doubt, upon, 26-1-403, 46-16-601, 46-16-602
"Action" defined, 27-1-103
"Acts" defined, 45-2-101
Adjournment, See **COURTS**; See also **Continuance**
Admissibility of evidence, See **EVIDENCE**
Admissions, See **Confessions**
Advancement on the calendar, See **COURT CALENDAR PRECEDENCE**
Affidavits as evidence, See **EVIDENCE**
Affirmation of witness, See **WITNESSES**
Affirmative defenses, See **Defenses**
Aiding and abetting, See **Accomplices**; **CRIMES**, **Aiding and abetting**
Alibi, notice of intent to rely on as defense, 46-15-301
Answer
    extradition, upon arrest for, 46-30-301
    notice to appear to answer, 46-6-101
    preliminary examination, holding defendant to answer after, 46-10-102, 46-10-203, 46-10-204
        information upon, 46-11-203
    time, 46-12-203
Appeals, See **APPEALS, CRIMINAL**
Appearance of defendant
    arraignment, at, 46-12-103, 46-12-104
    city court, 46-17-205
    close pursuit, upon arrest, 46-6-411
    depositions, 46-15-203
    extradition, upon arrest, 46-30-217
    indictment, upon, 46-11-333
    initial
        absence of judge, 46-7-101
        arrest, upon, 46-6-411, 46-7-101

CRIMINAL PROCEDURE (Continued)

Appearance of defendant (Continued)
  initial (Continued)
    bail to secure, 46-9-202, 46-9-501
    complaint filed with, 46-7-101
    courts' duties, 46-7-102
    extradition proceedings, 46-30-217
    notice to appear, 46-6-101, 46-6-404
    preliminary examination, See **Preliminary examination**
    required, 46-7-101
    rights, defendant informed of, 46-7-102
    summons in lieu of arrest warrant, failure to appear, 46-6-303, See also **Summons**
    time, 46-7-101, 46-9-202
  judgment, rendering, 46-16-108
  jury, additional information to, 46-16-503
  justice's court, 46-17-205
  postconviction hearing, 46-21-201
  review of judgment and sentence, hearing, 46-18-904
  trial, 46-16-108
  views of premises, 46-16-502
Applicability of laws, 27-1-103, 46-1-101
  civil remedies not limited, 27-1-103, 45-1-104
  classification of offenses, 45-1-104
  consistency of application, 44-4-103
  construction of provisions, 46-1-102
  courts' power not limited, 45-1-104
  effective date, 45-1-103
  evidence, rules of, 46-16-201
  habeas corpus, 46-22-101
  merger of civil and criminal remedies, right not merged, 27-1-103, 45-1-104
  municipal court, 46-17-403
  preexisting offenses, 45-1-103
  purpose of provisions, 46-1-102
  sentences, 45-1-104
Arraignment, See also **Answer**
  amendment of information, 46-11-403
  appearance of defendant, 46-12-103, 46-12-104
  bringing defendant into court, 46-12-104
  charges, advisement, 46-12-202
  defect, 46-12-206
  defined, 46-12-101
  disability of defendant, 46-12-201
  harmless error, 46-12-206
  joinder of defendants, 46-12-105
  place, 46-12-102
  plea entered at, 46-12-202, 46-12-204
  presence of defendant, 46-12-103
  procedure generally, 46-12-201
  record of proceedings, 46-12-205
  rights of defendant, advisement, 46-12-202
  time to answer, 46-12-203
Arrest, See **ARREST**
Assigned counsel, See **Counsel**
Attorney general, powers and duties, See **ATTORNEY GENERAL**, **Criminal actions**
Authentication or identification of evidence, See **EVIDENCE**
Autopsies, See **FORENSIC SCIENCE**
Bail, See **BAIL, CRIMINAL**
Bonds, See **BAIL, CRIMINAL**
Burdens of proof, See **EVIDENCE**
Calendar precedence, See **COURT CALENDAR PRECEDENCE**
Capacity, See **CRIMES**, **Accountability; Consent of victim**
Capital punishment, See **DEATH PENALTY**
Causal relationship between conduct and result, See **CRIMES**

CRIMINAL PROCEDURE (Continued)

Challenges of judges, 3-1-802
Challenges of jurors, See **JURIES AND JURORS**
Change of venue, See **VENUE**
Character evidence, See **EVIDENCE**
Charge
  alternate charges, 46-11-404
  amendment, 46-11-403
  answer, See **Answer**
  appeal brief, inclusion in appendix, 46-20-410
  arraignment, See **Arraignment**
  character an element, Title 26, chapter 10, M.R.Ev., Rules 404, 405
  complaint, See **Complaint**
  contents, 46-11-401
  corporations, summons on, 46-6-304
  defect, 46-11-403, 46-13-106
  defined, 46-1-201
  dismissal, See **Dismissal of charges**
  failure to charge an offense, defense, 46-13-102, 46-13-106
  fingerprints and photographs, return to individual upon lack of, 44-5-202
  form, 46-11-401
  harmless error, 46-11-403
  indictment, See **Grand jury**
  information, See **Information**
  initial appearance, defendant to be informed of charge, 46-7-102
  joinder, See **Joinder of charges**
  minors as adults when, 41-5-206
  multiple, See **Joinder of charges**
  plea, See **Arraignment**; **Plea**
  record, 46-11-402
  referenced allegations, 46-11-404
  severance, 46-11-404
  signing, 46-11-401
  witnesses names to be included, 46-11-401
Circumstantial evidence, See **EVIDENCE**, **Indirect evidence**; **Inferences**; **Presumptions**
City courts, trial in, See **Justices' and city courts, proceedings in**
Classification of offenses, 45-1-201
Clemency, See **PROBATION, PAROLE, AND CLEMENCY**, **Executive clemency**
Clerk of the court, See **CLERK OF THE DISTRICT COURT**; specific court
Close pursuit, See **ARREST**
Codefendants, See **Joinder of defendants**
Collateral estoppel, 46-21-101, See also **Error**; **Former prosecutions**; **Relief from judgment or sentence**
Commencement of prosecution
  attorney general, notice to, 46-1-301
  charge, See **Charge**
  city courts, 46-17-101
  defect, defense, 46-13-102, 46-13-106
  former prosecutions, See **Former prosecutions**
  grand jury, See **Grand jury**
  indictment, See **Grand jury**
  information, See **Information**
  justices' courts, 46-17-101
  methods enumerated, 45-1-205, 46-11-101
  state agencies, by, 46-1-301
  statutes of limitation generally, 45-1-205
  witnesses, security for appearance, 46-11-601
Commitment, See also generally **CORRECTIONS**; **PRISONERS**; **PRISONS**; **PRISON, STATE**
  another state, to, 46-19-301, 46-19-304
    contracts, power to enter, 46-19-303
    enforcement, 46-19-302

CRIMINAL PROCEDURE (Continued)

Commitment (Continued)
  another state, to (Continued)
    hearings, 46-19-305
    reports, 46-19-302
  close pursuit, upon hearing, 46-6-411
  defect, habeas corpus unavailable when harmless, 46-22-102
  delivery to place of, 46-19-101
  detainers, See **Detainers**
  execution of sentence, 46-19-101
  fine, for execution of sentence, 46-19-102
  fingerprinting and photographing of accused when, 44-5-202
  habeas corpus, See **HABEAS CORPUS, WRIT OF**
  interpreters for deaf persons, 49-4-503, See **DEAF PERSONS**, **Interpreters in official proceedings**
  mental disease or defect of defendant, See **Mental disease or defect of defendant**
  place of imprisonment, when none specified, 46-18-211
  postconviction hearing, effect, 46-21-201
  presentence investigation report to accompany, 46-18-113
  sentencing procedure, See **SENTENCING**
  stay pending appeal, 46-20-204
  western interstate corrections compact
    contracts, power to enter, 46-19-303
    effect, 46-19-304
    enforcement, 46-19-302
    hearings, 46-19-305
    purposes, implementation, 46-19-302
    reports, 46-19-302
    text, 46-19-301
Common scheme
  defined, 45-2-101
  venue, 46-3-102
Commutation of sentence, See **PROBATION, PAROLE, AND CLEMENCY**, **Executive clemency**
Competence
  defendant, See **Mental disease or defect of defendant**; **CRIMES**, **Accountability**; **Consent of victim**
  victim, See **CRIMES**, **Mental disease or defect of victim**
  witness, See **WITNESSES**
Complaint, See also **Charge**
  amendment, 46-17-101
  arrest
    basis for, 46-6-201
    filing upon, 46-7-101
  attorney general, notice to, 46-1-301
  city court, 46-17-101
  commencement of prosecution by, 45-1-205, 46-6-201, 46-11-101, 46-11-102
  extradition
    filing with application, 46-30-401
    time for complaint when arrest without warrant, 46-30-301
  justice's court, 46-17-101
  signing, 46-11-401
Compulsion, notice of intent to rely on as a defense, 46-15-301, See also **CRIMES**, **Compulsion**
Conclusive evidence, See **EVIDENCE**
Conclusive presumptions, See **EVIDENCE**, **Presumptions**
Conduct, See **CRIMES**; **EVIDENCE**
Confessions
  hearings on admissibility to be out of hearing of jury, Title 26, chapter 10, M.R.Ev., Rule 104
  homicide, to, 46-16-203
  juvenile offenders, inadmissibility in evidence, 41-5-514
  mental disease or defect of defendant, 46-14-401

CRIMINAL PROCEDURE (Continued)

Confessions (Continued)
- motion to produce, 46-15-303
- obtaining illegally, 45-5-204
- suppression
  - appeal, grounds for, 46-20-103
  - pretrial motion for, 46-13-301
- treason, to, 46-16-202

Confidential communications, See **EVIDENCE, Privileges**
Conflicting evidence, See **EVIDENCE, Inconsistent statements**
Conflict of laws, See **CONFLICT OF LAWS**
Confrontation, See **RIGHTS**
Consent of victim, See **CRIMES**
Consistent application, 44-4-103
Consolidation of charges, 46-11-404, See also **Joinder of charges**
Construction of laws, 46-1-102
Contempt of court, See **CONTEMPT**
Continuance
- arraignment, of, 46-12-201
- evidence, for examination, 46-15-302
- jury selection, 3-15-501
- pretrial motion for, 46-13-202

Contradictory evidence, See **EVIDENCE, Inconsistent statements**
Conviction, See also **Judgment**; **Verdict**; **OFFENDERS, FORMER**; **SENTENCING**
- admissibility, 26-2-302; Title 26, chapter 10, M.R.Ev., Rules 609, 803
- appeal, See **APPEALS, CRIMINAL**
- civil disabilities, 46-18-801, See also **OFFENDERS, FORMER**, generally
- death sentence, automatic review when, 46-18-307
- defined, 45-2-101, 46-1-201
- double jeopardy, effect, See **Former prosecutions**
- effect, 46-18-801
- election law violations, supplemental penalties, 13-35-106
- extradition demand, to accompany, 46-30-211
- false charge as slander, 27-1-803
- fingerprints and photographs, return to accused upon lack of, 44-5-202
- joinder of charges, effect, 46-11-404
- least offense when included offenses, 46-16-602, 46-16-603
- mental disease or defect, when, See **Mental disease or defect of defendant**
- pardons, board of — dispositions and statistical data forwarded to, 46-23-106
- persistent felony offenders, notice of treatment as to cite previous convictions, 46-18-503
- postconviction hearing, See **Postconviction hearing**

Coram nobis, 46-21-101
Coroner, See **Inquests**; **COUNTY CORONER**
Costs, See **Fees and costs**
Counsel
- argument, order and scope, 46-16-401
- arraignment
  - appearance by, 46-12-103
  - right to, informed of, 46-12-202
- assigned
  - costs, 46-8-101, 46-8-113 — 46-8-115, 46-8-201, 46-8-202
  - disposition of funds received from defendant, 46-8-114
  - duration of appointment, 46-8-103
  - eligibility, 46-8-111
  - fees, 46-8-201
  - financial statement of defendant, 46-8-111, 46-8-112
  - installment payments for, 46-8-114, 46-8-115
  - investigative subpoenas, 46-4-304
  - minors, counsel required, 46-8-102
  - nonpayment by defendant, 46-8-115
  - payment of costs by defendant, 46-8-113 — 46-8-115
  - postconviction assignment, 46-8-104
  - public defender, 46-8-202

CRIMINAL PROCEDURE (Continued)

Counsel (Continued)
  assigned (Continued)
    required when, 46-8-101
    right to, 46-7-102
  bail, may not furnish, 46-9-402
  deposition of witnesses
    cross examination by, 46-15-204
    presence at, 46-11-601
    travel expenses, 46-15-203
  discovery
    documentary evidence, powers, 46-15-302
    self-incriminating evidence, request for production, 46-15-311
  fees, See **ATTORNEYS AT LAW, Fees**
  grand jury, special counsel to, 46-11-315, 46-11-319
  jurors
    additional information to, presence, 46-16-503
    examination of, 46-16-303
    instructions to, signing and examination, 46-16-401
  mental disease or defect
    issue may be raised by counsel, 46-14-202, 46-14-221
    mandatory hearing on release from commitment, notice served on, 46-14-301
    psychiatric examination report to, 46-8-202
  minors, counsel required, 46-8-102
  plea, motion to withdraw, 46-18-204
  prisoners
    consultation, 37-61-418
    social record, availability to counsel, 46-23-108
    supervised release hearings, 46-23-422
  psychiatric examination report, delivery to, 46-14-203
  public defender as, 46-8-202
  required when, 46-8-102
  right to, 46-8-101
    extradition proceedings, 46-30-217
    informing of right, 46-7-102, 46-8-101, 46-12-202, 46-30-217
    investigative subpoenas, 46-4-304
    parole hearings, 46-23-204, 46-23-1105
    prisoner supervised release hearings, 46-23-422
    review of judgment and sentence, 46-18-904
    sentencing hearings, 46-18-223
    waiver, 46-8-102
  subpoenas, request by, 46-15-101
  verdict, motion to strike, 46-18-204
  videotaped testimony, presence at, 46-15-402
  views of premises, presence at, 46-16-502
  waiver of right to counsel, 46-8-102

County attorney, powers and duties, See **COUNTY ATTORNEY**

County clerk and recorder, powers and duties, See **COUNTY CLERK AND RECORDER**

County coroner, See **Inquests**; **COUNTY CORONER**

Court calendar, See **COURT CALENDAR PRECEDENCE**

Court costs, See **Fees and costs**; See also **FEES, Courts**

Credibility of witness, See **EVIDENCE**

"Criminal action" defined, 27-1-103

Cross-examination of witness, See **EVIDENCE**

Deaf persons, interpreters for, 49-4-503, See **DEAF PERSONS, Interpreters in official proceedings**

Death, effect on proceedings, See **DEATH**

Death penalty, See **DEATH PENALTY**

Defect in proceedings, See **Error**

Defenses
  alibi, notice, 46-15-301
  compulsion, notice, 46-15-301

CRIMINAL PROCEDURE (Continued)

Defenses (Continued)
- entrapment, notice, 46-15-301
- enumeration, See **CRIMES**
- mental disease or defect, See **Mental disease or defect of defendant**
- notice of certain defenses, 46-15-301
- pretrial motions, in, See **Pretrial motions**
- self-defense, notice, 46-15-301
- time to raise, 46-13-101, 46-13-102
- trial, statement in, 46-16-401
- waiver, 46-13-102

Definitions, See also **WORDS AND PHRASES**
- action, 27-1-103
- appeal, record on, 46-20-301
- arraignment, 46-12-101
- arrest, 46-6-101
  - guaranteed arrest bond certificate, 46-9-411
  - warrant, 46-6-101
- bail, 46-9-101
- charge, 46-1-201
- clemency, executive, 46-23-103
- concealment, 46-6-501
- conduct, 45-2-101
- conviction, 45-2-101, 46-1-201, 46-11-503
- court, 46-1-201
- criminal action, 27-1-103
- deposition, 46-15-204
- executive clemency, 46-23-103
- felony, 45-2-101
- frisk, 45-2-101
- generally, 45-2-101, 46-1-201
- guaranteed arrest bond certificate, 46-9-411
- included offense, 46-11-501
- inquest, 46-4-201
- judge, 46-1-201
- judgment, 46-1-201
- magistrate, 46-1-201
- mental disease or defect, 46-14-101
- mentally defective, 45-2-101
- mentally incapacitated, 45-2-101
- misdemeanor, 45-2-101
- new trial, 46-16-701
- notice to appear, 46-6-101
- offender, 45-2-101
- offense, 45-2-101, 46-1-201
- parole, 46-23-103, 46-23-1001
- peace officer, 45-2-101, 46-1-201
- persistent felony offender, 46-18-501
- preliminary examination, 46-10-101
- prisoner, 46-23-401
- probation, 46-23-1001
- record on appeal, 46-20-301
- roadblock, temporary, 46-5-501
- same transaction, 46-11-501
- search warrant, 46-5-201
- sentence, 46-1-201
- shoplifting, 46-6-501
- state prison, 46-23-401
- stop, 45-2-101
- summons, 46-6-101
- witness, 45-2-101, 46-15-111

Depositions, See **DEPOSITIONS**

CRIMINAL PROCEDURE (Continued)

Detainers, See also **EXTRADITION**, generally
- cooperation of governmental agencies, 46-31-201
- coordinator of agreement, 46-31-203
- enactment of interstate agreement, 46-31-101
- enforcement, 46-31-201
- escape, 46-31-204
- giving over of inmate required, 46-31-202
- jurisdiction of district court, 46-31-102
- rulemaking authority, 46-31-203
- text of interstate agreement, 46-31-101

Detention of witnesses, See **WITNESSES**

Direct examination, See **EVIDENCE, Examination of witness**

Discharge of defendant
- acquittal, upon, 46-16-605, 46-17-301, 46-18-102
- arrest, not permitted for harmless error, 46-6-204
- bail, upon acceptance, 46-9-204
- city court, 46-17-301, 46-17-302
- close pursuit, unlawful arrest, 46-6-411
- codefendant, 46-11-405
- complaint, when no grounds and arrest is without warrant, 46-6-403
- death sentence, suspension for mental unfitness, 46-19-202
- dismissal, upon pretrial motion for, 46-13-106
- habeas corpus, upon hearing, 46-22-306, 46-22-307
- insufficiency of evidence, upon, 46-16-403
- joinder of defendants, discharge of codefendant, 46-11-405
- justice's court, 46-17-301, 46-17-302
- mental disease or defect, when, 46-14-222, See also **Mental disease or defect of defendant**
- postconviction hearing, upon, 46-21-201
- preliminary examination, upon, 46-10-203
- reversal of judgment without new trial, 46-20-707
- state's witness, to become, 46-11-405

Discovery, See also **EVIDENCE**
- confession, 46-15-303
- defenses, notice of, 46-15-301
- depositions, See **DEPOSITIONS**
- documentary evidence, 46-15-302
- inspection of evidence, 46-15-302
- law enforcement information, 46-15-302
- objects, 46-15-302
- privileged information, 46-15-312, See also **EVIDENCE, Privileges**
- self-incriminating evidence, 46-15-311
- witnesses, lists of, 46-15-301, 46-15-303
- writings, 46-15-302

Dismissal of charges
- appeal by state, grounds for, 46-20-103
- deferred imposition of sentence, after, 46-18-204
- harmless error, 46-11-403, See also **Error**
- indictment, disclosure provisions upon motion to dismiss, 46-11-317
- informant, failure to disclose identity, Title 26, chapter 10, M.R.Ev., Rule 502
- insufficiency of evidence, 46-16-403
- mental disease or defect, when, 46-14-222
- pretrial motion on, 46-13-106, 46-13-201
- transfer of trial in lieu of, 46-13-204

Disputable presumptions, See **EVIDENCE, Presumptions**

Disqualification of witness, See **WITNESSES, Competence**

Docketing, See generally **COURT CALENDAR PRECEDENCE; DOCKETS**

Doctor-patient privilege, See **EVIDENCE, Privileges**, physician — patient

Documentary evidence, See **EVIDENCE, Writings and recordings**

Double jeopardy, See **Former prosecutions**

Drug users, report to county attorney, 46-9-203

CRIMINAL PROCEDURE (Continued)

Drug violations, seizure procedure, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Seizures related to controlled substances**
Duress, See **CRIMES**
Education, supervised release for, See **PROBATION, PAROLE, AND CLEMENCY, Supervised release**
Elements of offense, See **CRIMES**
English language, proceedings to be conducted in, 3-1-314
Entrapment, notice of intent to rely on as defense, 46-15-301, See also **CRIMES**, **Entrapment**
Error
  appeal, notice on, 46-20-701, 46-20-702
  arraignment, in, 46-12-206
  arrest warrant, defect, 46-6-204
  charge, defect, 46-11-403, 46-13-102, 46-13-106
  collateral attack, 46-21-101
  commencement of prosecution, defect, 46-13-102, 46-13-106
  coram nobis, 46-21-101
  death sentence, review in appeal, 46-18-310
  double jeopardy provisions, effect, 46-11-503
  evidence, ruling on, Title 26, chapter 10, M.R.Ev., Rule 103
  habeas corpus, 46-21-101, See **HABEAS CORPUS, WRIT OF**
  harmless error, 46-11-403, 46-20-701, 46-20-702, 46-22-102
  mistrial, See **Mistrial**
  postconviction hearing, 46-21-101, See **Postconviction hearing**
  remedies, 46-21-101
  technical defects, 46-11-403, 46-22-102
Evidence, See **EVIDENCE**; **WITNESSES**
Examination of witness, See **EVIDENCE**
Examination, preliminary, See **Preliminary examination**
Exceptions to rulings on instructions to the jury, 46-16-401
Excluded evidence, See **EVIDENCE**
Exclusionary rule, 46-13-301, 46-13-302
Execution of judgment, See **Judgment**
Executive clemency, See **PROBATION, PAROLE, AND CLEMENCY**
Expert testimony, See **EVIDENCE**
Extradition, See **EXTRADITION**
Fees and costs, See also **FEES, Courts**
  appeals, See **APPEALS, CRIMINAL, Costs**
  assigned counsel, 46-8-101, 46-8-113, 46-8-201, 46-8-202
  autopsies, 46-4-103
  commitment when unfit to stand trial, 46-14-221
  counsel, when assigned, 46-8-101, 46-8-113, 46-8-201, 46-8-202
  defendant, payment by, See **SENTENCING, Costs**
  depositions, 46-15-201, 46-15-203
  elections, campaign violations, 13-37-124
  extradition
    bringing accused to this state, 46-30-411
    return to another state after prosecution, 46-30-403
  fines and forfeitures, application to, 46-18-603
  grand jury, 46-11-312, 46-11-319
  inquests, recording and transcribing expenses, 46-4-206
  interpreters, 46-11-315
  investigations, 46-4-103
  investigative subpoenas, 46-4-306
  judgment a lien for, 46-18-601
  lien for, 46-18-601
  mausoleum construction violations, 35-21-712, 35-21-713
  medical evidence of victim of sexual intercourse without consent, 46-15-411
  mental disease or defect, commitment when unfit to stand trial, 46-14-221
  public defender, 46-8-202
  witnesses, See **WITNESSES, Compensation**

CRIMINAL PROCEDURE (Continued)

Findings of fact and conclusions of law
  appeal brief, inclusion in appendix, 46-20-410
  death sentence, required, 46-18-306
  inconsistencies, 46-11-502
  postconviction hearing, 46-21-201, 46-21-202
Fines, See **SENTENCING**
Force, justifiable use, See **CRIMES**
Former prosecutions, bar to prosecution, 46-11-503
  definitions, 46-11-501
  dismissal of action, effect, 46-13-201, 46-16-403
  exceptions, 46-11-505
  foreign jurisdiction, when a bar, 46-11-504
  insufficient evidence, dismissal for, 46-16-403
  multiple defendants, when jury unable to agree on verdict, 46-16-603
  youth court, conviction in, 41-5-524
Frisk, See **SEARCH AND SEIZURE, Stop and frisk**
Furlough programs, See **PROBATION, PAROLE, AND CLEMENCY, Supervised release**
Good time allowances, See **PROBATION, PAROLE, AND CLEMENCY**
Grand jury, See also **JURIES AND JURORS**
  advice to, 46-11-315
  assistance to, 46-11-315
  attorney general, duties, See **ATTORNEY GENERAL**
  charge by judge, 46-11-311
  completion, certification, 46-11-318
  county attorney, duties, See **COUNTY ATTORNEY**
  defined, 3-15-101, 3-15-103
  disclosure of proceedings, 46-11-317
    investigative subpoenas, applicability of laws, 46-4-304
  evidence, rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
  expenses, 46-11-319
  expert services, 46-11-312
  foreman, See **JURIES AND JURORS, Grand jury**
  impaneling, See **JURIES AND JURORS, Grand jury**
  indictment, See also **Charge**
    arrest upon, 46-11-333
    bail, 46-11-333
    challenges to jurors, peremptory — number, 46-16-305
    commencement of prosecution by, 45-1-205, 46-11-101, 46-11-102
    concurrence of jurors, 46-11-302, 46-11-303, 46-11-331, 46-11-333
    consumer report, inclusion of information in, 31-3-112, 31-3-126
    criminal history record information, exclusion, 44-5-103
    dismissal
      disclosure of proceedings when, 46-11-317
      grounds, 46-11-302
    district court judge, when against, 46-11-332
    endorsement, 46-11-331
    evidence, 46-11-331
    extradition demand, to accompany, 46-30-211, 46-30-401
    filing, 46-11-332
      effect, 45-1-205
    fingerprinting of accused when, 44-5-202
    inquiry into validity, juror as witness, Title 26, chapter 10, M.R.Ev., Rule 606
    new, when variance between proof and pleading, 46-16-605
    nuisance, remedy for, 27-30-202
    photographing of accused when, 44-5-202
    preliminary examination waived by, 46-7-103
    presentation of offense by, 46-11-312, 46-11-332
    privacy of proceedings, 46-11-317
    record, 46-11-303, 46-11-402
    repeal of law creating offense, effect, 1-2-205
    required when, 46-11-331

CRIMINAL PROCEDURE (Continued)

Grand jury (Continued)
  indictment (Continued)
    secrecy of proceedings, 46-11-317
    signing by foreman of jury, 46-11-303, 46-11-331, 46-11-401
    slanderous statements regarding, 27-1-803
    state's witness, 46-11-405
    transcript, 46-11-316
    warrant for arrest, 46-11-333
    witness, codefendant, 46-11-405
  information available to, 46-11-311
  interpreters, 46-11-315, 46-11-317, 49-4-503, See also **DEAF PERSONS**, **Interpreters in official proceedings**
  investigations
    depositions, 46-11-314
    evidence, 46-11-314
    expenses of investigators, 46-11-319
    power, 46-11-312
    scope of inquiry, 3-15-101, 3-15-103, 46-11-312
    witnesses, 46-11-313, 46-11-314
  judge, presence, 46-11-315
  misconduct in public office, investigation, 46-11-312
  power vested, 3-15-101, 3-15-103, 46-11-312
  prisons, investigation, 46-11-312
  privacy of proceedings, 46-11-316, 46-11-317
    investigative subpoenas, applicability of laws, 46-4-304
  public records, access to, 46-11-312
  qualifications of jurors, See **JURIES AND JURORS**, **Grand jury**
  record of proceedings, 46-11-316
  rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
  scope of inquiry, 3-15-101, 3-15-103, 46-11-312
  secrecy of proceedings, 46-11-316, 46-11-317
    investigative subpoenas, applicability of laws, 46-4-304
  special counsel, 46-11-315, 46-11-319
  stenographer, 46-11-316
  subpoena of witnesses, 46-11-313
  transcript, 46-11-316
  witnesses, 46-11-313, 46-11-315, 46-15-104, 46-15-111
Guaranteed arrest bond certificates, See **BAIL, CRIMINAL**, **Bond certificates**
Guilt, See also **Conviction**; **Judgment**; **Plea**
  bail, effect on, 46-9-102
  close pursuit, hearing upon does not determine, 46-6-411
  establishment, 26-1-403
  extradition proceedings, inquiry by governor prohibited, 46-30-225
  intent, presumption, 26-1-601
Habeas corpus, writ of, See **HABEAS CORPUS, WRIT OF**
Hearsay evidence, See **EVIDENCE**
Hostile witnesses, See **EVIDENCE**, **Examination of witness**
Hot pursuit, See **ARREST**, **Close pursuit**
Husband-wife privilege, See **EVIDENCE**, **Privileges**, spouses
Identification of evidence, See **EVIDENCE**, **Authentication or identification**
Illness of witness, See **WITNESSES**
Immunity, See **WITNESSES**, **Immunity of witness when**; **Self incrimination**
Impeachment, See **IMPEACHMENT**
Impeachment of evidence, See **EVIDENCE**
Imprisonment, See **Commitment**
Inadmissibility of evidence, See **EVIDENCE**, **Admissibility**
Incarceration, See **Commitment**
Incompetence of defendant, See **Mental disease or defect of defendant**; **CRIMES**, **Accountability**; **Consent of victim**
Inconsistent statements, See **EVIDENCE**
Indexes of court proceedings, 3-5-506
Indictment, See **Grand jury**; See also **Charge**

CRIMINAL PROCEDURE (Continued)

Indigent persons, See **In forma pauperis**
Indirect evidence, See **EVIDENCE**
Inferences, See **EVIDENCE**
Inferior courts, trial in, See **Justices' and city courts, proceedings in; MUNICIPAL COURTS**
Informants, See **EVIDENCE**
In forma pauperis
  appeals, See **APPEALS, CRIMINAL**
  counsel, assigned, See **Counsel**
  public defender, 46-8-202
  transcript of court proceedings to be provided, 3-5-604
  witnesses, subpoena and compensation, 46-15-103
Information, See also **Charge**
  affidavit, 46-11-201
  amendment, 46-11-403
  application to file, 46-11-201
  arrest warrant to issue, 46-11-201
  challenges to jurors, peremptory — number, 46-16-305
  commencement of prosecution by, 45-1-205, 46-11-101, 46-11-102
  criminal history record information, exclusion, 44-5-103
  district court judge, when defendant, 46-11-202
  evidence for, 46-11-201
  extradition demand, to accompany, 46-30-211, 46-30-401
  filing, 46-11-203
    effect, 45-1-205
    when county attorney decides not to file, 46-11-204
  fingerprinting and photographing of accused when, 44-5-202
  new information upon variance between pleading and proof, 46-16-605
  nuisance, remedy to, 27-30-202
  preliminary examination waived by, 46-7-103, 46-11-101
  probable cause required, 46-11-201
  record, 46-11-402
  repeal of law creating offense, effect, 1-2-205
  rules of evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
  signing, 46-11-401
  state's witness, 46-11-405
  time for filing, 46-11-203
  witness, codefendant, 46-11-405
Initial appearance, See **Appearance of defendant**
Initiation of proceedings, See **Commencement of prosecution**
Injunctions, See **INJUNCTION, WRIT OF**
Innocence presumed, 26-1-602, 46-16-601
  acquittal, See **Acquittal**
  extradition proceedings, inquiry by governor prohibited, 46-30-225
  plea, See **Plea**, not guilty
Inquests
  applicability of laws, 3-15-802, 46-4-201
  contempt, 46-4-204
  costs, 26-2-503, 46-4-206
  county coroner, duties, See **COUNTY CORONER**
  defined, 46-4-201
  expenses, 26-2-503, 46-4-206
  filing of testimony, 46-4-206
  interpreters for deaf persons, 49-4-503, See **DEAF PERSONS, Interpreters in official proceedings**
  juries and jurors, See **JURIES AND JURORS**
  public proceedings, 46-4-201
  records, 46-4-207
  register, 46-4-207
  request, 46-4-201
  scope of inquiry, 46-4-202
  service of process, witness, 46-4-203

CRIMINAL PROCEDURE (Continued)

Inquests (Continued)
  stenographer, 46-4-206
  testimony, 46-4-204, 46-4-206
  transcript, 46-4-206
  verdict, 46-4-202, 46-4-205
  when, 46-4-201
  witness, See also **WITNESSES**, generally
    attendance compelled, 46-4-204
    fees, 26-2-503
    qualifications, 46-4-203
    service of process, 46-4-203
    subpoena, 46-4-203
    testimony, 46-4-204, 46-4-206
Insanity of defendant, See **Mental disease or defect of defendant**
Instructions to the jury, See **EVIDENCE, Jury; JURIES AND JURORS**
Intent, See **CRIMES, Mental state**
Interpreters
  applicability of laws, Title 26, chapter 10, M.R.Ev., Rule 604
  deaf persons, 49-4-503, See **DEAF PERSONS, Interpreters in official proceedings**
  fees, 26-2-504
  grand jury, for witnesses before, 46-11-315
  oath, Title 26, chapter 10, M.R.Ev., Rule 604
Interrogation of witness, See **EVIDENCE, Cross-examination of witness; Examination of witness**
Interstate Agreement on Detainers, Title 46, chapter 31, See **Detainers**
Interstate Corrections Compact, Western, Title 46, chapter 19, part 3, See **Commitment**, another state, to
Introduction of evidence, See **EVIDENCE**
Investigative procedures
  autopsy, See **FORENSIC SCIENCE**
  compromise and offers of compromise, admissibility of evidence of, Title 26, chapter 10, M.R.Ev., Rule 408
  coroner's investigation, 46-4-102
  extradition demands, upon, 46-30-212
  grand jury investigations, See **Grand jury**
  inquest, See **Inquests**
  investigative subpoenas, See **SUBPOENAS**
  mental disease or defect of defendant, predisposition investigation, 46-14-301
  search and seizure, See **SEARCH AND SEIZURE**
  shoplifting investigation, 46-6-503
  stop and frisk, authorization, 46-5-401, See also **SEARCH AND SEIZURE**
Investigative subpoenas, See **SUBPOENAS**
Irregularity, See **Error**
Issues, See also **EVIDENCE**
  fact, decision, 46-16-103
    city court, 46-17-201
    justice's court, 46-17-201
  law
    argument, 46-16-401
    city court, 46-17-201
    decision, 46-16-103
    justice's court, 46-17-201
  not guilty plea, effect, 46-16-104
Jail work release program, See **PROBATION, PAROLE, AND CLEMENCY, Work release program**
Joinder of charges, 46-11-404
  same transaction, commission in, 46-11-501, 46-11-502, 46-11-603
  severance, 46-11-404
  verdict, 46-11-404, 46-11-603
Joinder of defendants, 46-11-404
  appeal by codefendant, 46-20-105
  argument, order, 46-16-401

CRIMINAL PROCEDURE (Continued)

Joinder of defendants (Continued)
    arraignment, 46-12-105
    conspiracy, 45-4-102
    discharge by codefendant, 46-11-405
    evidence, order of presentation, 46-16-401
    prejudice by, 46-11-404
    severance, 46-11-404
    state's witness, turning, 46-11-405
    verdict, 46-16-603
        justices' and city courts, 46-17-211
Judge, disqualification, 3-1-802, See specific court
Judgment, See also **Acquittal**; **Conviction**; **Verdict**; **JUDGMENTS AND DECREES**, generally; **SENTENCING**
    appeal, 46-20-101, See **APPEALS, CRIMINAL**
    appearance of defendant required, 46-16-108
    city court, 46-17-211, 46-17-301, 46-17-302
    commitment, See **Commitment**
    death penalty, See **DEATH PENALTY**
    defined, 46-1-201
    double jeopardy, effect, See **Former prosecutions**
    execution
        city court, 46-17-302
        commitment, 46-19-101
        death penalty, See **DEATH PENALTY**
        fine, 46-19-102
        justice's court, 46-17-302
    extradition demand, to accompany, 46-30-211
    fines or costs, for
        disposition of money collected, 46-18-603
        execution, 46-19-102
        lien, 46-18-601
    habeas corpus, effect, 46-22-306
    hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
    invalid judgment, effect on sentence, 46-18-402
    justices' courts, 46-17-211, 46-17-301, 46-17-302
    lien, as, 46-18-601
    mental disease or defect, judgment must state when found not guilty, 46-14-201
    nondangerous offenders, designation in judgment, 46-18-404
    postconviction hearing, See also **Postconviction hearing**
        orders resulting from, 46-21-201
        petition, citation in, 46-21-104
    rendition, 46-18-102
    review, 46-18-904, 46-20-101, See also **SENTENCING**, **Review**
    sentence, See also **SENTENCING**
        definition, included in, 46-1-201
        mandatory, statement included in, 46-18-223
        nondangerous offender designation to be included, 46-18-404
        restrictions, statement of reasons included in, 46-18-202
    signing by judge, 46-18-601
    stay of execution
        appeal, no stay when judgment in favor of defendant, 46-20-205
        review of sentence, application for does not stay, 46-18-903
    when, 46-18-102
    writing required, 46-18-601
Judicial notice, See **EVIDENCE**
Juries and jurors, See **EVIDENCE**; **JURIES AND JURORS**
Jurisdiction, See also **CRIMES**, specific offense
    city court, 3-11-102 — 3-11-104, 46-2-203
    civil jurisdiction not barred, 27-1-103
    classification of offenses for, 45-1-201
    commission of offense, determination, 46-2-101
    conflict of laws, See **CONFLICT OF LAWS**, **Crimes**

CRIMINAL PROCEDURE (Continued)

Jurisdiction (Continued)
    coroner, 46-4-101, 46-4-201
    district court, 3-5-302, 46-2-201
    double jeopardy provisions, effect, 46-11-503 — 46-11-505
    extradition proceedings not a waiver of jurisdiction, 46-30-102
    justices' court, 3-5-302, 3-10-303, 46-2-202
    lack of jurisdiction
        double jeopardy provisions, effect, 46-11-505
        pretrial motions on, 46-13-102, 46-13-204
        sentence, effect on, 46-21-101
    municipal court, 3-6-101, 3-6-103, 46-2-204
    territorial extent, 46-2-101, 46-30-102
Justices' and city courts, proceedings in
    acquittal, 46-17-301
    appeal, 46-9-103, 46-17-304, 46-17-311
    appearance of defendant, 46-17-205
    applicability of laws, 46-1-101, 46-17-403
    assigned counsel, 46-8-201
    bail
        receipt when furnished to peace officer, 46-9-302, 46-9-303
        schedule established by, 46-9-302
    challenges to jury, 46-17-202, 46-17-311
    change of venue, 46-17-103
    city attorney to prosecute in city court, 3-11-301
    commencement of prosecution, 46-11-102, 46-17-101
    complaint, 46-11-102, 46-17-101
    costs
        assigned counsel, 46-8-201
        fines and forfeitures to, 46-18-603
    discharge of defendant, 46-17-301, 46-17-302
    docket, 46-17-102
    drug users, report to county attorney, 46-9-203
    execution of judgment, 46-17-302
    fines, 46-17-302 — 46-17-304, 46-18-603
    issues of fact and law, 46-17-201
    joinder of defendants, 46-17-211
    "judge" defined, 46-1-201
    judgment, 46-9-103, 46-17-211, 46-17-301, 46-17-302
    jurisdiction, 46-2-202, 46-2-203
    jury trial, 46-17-201, 46-17-202, 46-17-211, 46-17-311
    "magistrate" defined, 46-1-201
    municipal court, applicability of laws, 46-17-403
    notice of appeal, 46-17-311
    plea, 46-17-203, 46-17-301
    poll of jury, 46-17-211
    preliminary examination before, 3-10-303, 46-7-103, 46-10-101, See also **Preliminary examination**
    preparation for trial, 46-17-204
    questions of fact and law, 46-17-201
    record, 46-17-102, 46-17-301
    sentencing, 46-17-301, 46-18-202
    verdict, 46-17-211
Justifiable use of force, See **CRIMES, Force, justifiable use of**
Juveniles as offenders, See **Minors**; **YOUTH COURT**
Laws applicable, See **Applicability of laws**
Leading questions, See **EVIDENCE, Cross-examination of witness; Examination of witness**
Legal aid, See **Counsel; In forma pauperis**
Legal counsel, right to, See **Counsel**
Liability, See **CRIMES, Accountability**
Life imprisonment, See **SENTENCING**
Limitation of actions, See **STATUTES OF LIMITATION**

CRIMINAL PROCEDURE (Continued)

Lower courts, trial in, See **Justices' and city courts, proceedings in**; **MUNICIPAL COURTS**
Lower income, persons of, See **In forma pauperis**
Malicious prosecution, See **MALICIOUS PROSECUTION**
Media Confidentiality Act, Title 26, chapter 1, part 9, See **EVIDENCE**, **Privileges**
Medical evidence, See **EVIDENCE**
Medical examiner, state, See **MEDICAL EXAMINER, STATE**
Memory, effect on evidence, See **EVIDENCE**
Mens rea, See **Mental disease or defect of defendant**; **CRIMES**, **Mental state**
Mental disease or defect of defendant, See also **CRIMES**, **Mental state**
  admissibility to prove mental state, 46-14-102, 46-14-401
    notice required for, 46-14-201, 46-14-202
  commitment as sentence, 46-14-312
    discharge, 46-14-313
  commitment for lack of mental state
    discharge or release
      defendant, application of, 46-14-303
      mandatory hearing, 46-14-301
      recommitment, 46-14-304
      superintendent of warm springs hospital, motion by, 46-14-302
    disposition of defendant, 46-14-301
    not guilty, finding upon, 46-14-301
    recommitment, 46-14-304
  commitment for psychiatric examination, 46-14-202
  commitment for unfitness to proceed, 46-14-221
    civil commitment when, 46-14-222
  death penalty
    mitigating circumstance, 46-18-304
    suspension for lack of fitness, 46-19-201, 46-19-202
  defined, 46-14-101
  discharge or release from custody, 46-14-222, 46-14-301 — 46-14-303, 46-14-313
  dismissal of charges when, 46-14-222
  fitness to proceed
    determination by court, 46-14-221
    evidence, 46-14-221
    hearing, 46-14-221, 46-14-222
    lack of, effect, 46-14-103, 46-14-221
    regaining, 46-14-222
    who may raise issue, 46-14-202, 46-14-221
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
  intoxicated or drugged condition, effect, 45-2-203
  "mentally defective" defined, 45-2-101
  "mentally incapacitated" defined, 45-2-101
  not guilty due to lack of mental state
    commitment upon, 46-14-301
    judgment or verdict must state, 46-14-201
  notice of intent to rely on as defense, 46-14-201, 46-14-202, 46-15-301
  predisposition investigation, 46-14-301
  privileged information, 46-14-401
  psychiatric examination for release from commitment, 46-14-302
  psychiatric examination to determine fitness or mental state
    admissibility of defendant's statements, 46-14-401
    commitment for, 46-14-202
    independent examination at request of state or defendant, 46-14-212
    order by court, 46-14-202
    privileged information, 46-14-401
    procedure, 46-14-202
    report
      contents, 46-14-203
      contests, 46-14-221
      decision on, 46-14-221
      filing, 46-14-203

CRIMINAL PROCEDURE (Continued)

Mental disease or defect of defendant (Continued)
  psychiatric examination to determine fitness or mental state (Continued)
    sentencing, consideration in, 46-14-311, 46-14-401
    testimony respecting, 46-14-213
    unwillingness of defendant, 46-14-203
  recommitment when released from commitment for lack of mental state, 46-14-304
  regaining fitness to proceed, 46-14-222
  resumption of proceedings, 46-14-222
  sentencing
    admissibility of privileged information, 46-14-401
    commitment in lieu of, 46-14-312, 46-14-313
    consideration of evidence in, 46-14-311
    effect on, 46-14-312, 46-18-222
  superintendent of warm springs hospital, duties, See **MENTALLY ILL PERSONS, Warm Springs State Hospital**
  suspension of proceedings, 46-14-103, 46-14-221
Mental disease or defect of victim, See **CRIMES**
Mental state, See **CRIMES**
Minors, See also **YOUTH COURT**, generally
  charged as adults when, 41-5-206
  counsel compulsory, 46-8-102
  death penalty
    mitigating circumstance, 46-18-304
    witness, prohibited, 46-19-103
  nondangerous offender designation, effect, 46-18-404
  offenders, as, See **YOUTH COURT**
  parole, probation, and clemency provisions — exclusion, 46-23-102
  sentences
    mandatory, exceptions, 46-18-222
    nondangerous offender designation, 46-18-404
Mistake, See **Error**
Mistrial
  absence of defendant at trial, 46-16-108
  evidence, failure to produce writing upon court order, Title 26, chapter 10, M.R.Ev., Rule 612
  infant mortality or morbidity information, disclosure without consent, 50-16-102
Motions and orders, See **Pretrial motions**
Multiple offenses, 46-11-501, 46-11-502, See also **Joinder of charges**
Municipal court, trial in, See **MUNICIPAL COURTS**
News media, privileges, See **EVIDENCE, Privileges**
New trial
  appeal, court order upon appeal, 46-20-703
  appeal of order for, 46-20-103
  bail, 46-9-104
  defined, 46-16-701
  effect, 46-16-701
  motion for, 46-16-702
  substitution of judge, 3-1-802
Nolo contendere, Title 26, chapter 10, M.R.Ev., Rules 410, 803
Nondangerous offenders, See **PROBATION, PAROLE, AND CLEMENCY**
Nonjudicial days, proceedings permitted on, 3-1-302, 3-1-303
Not guilty, See **Acquittal**; **Innocence presumed**; **Judgment**; **Plea**
Notice
  alibi as defense, reliance on, 46-15-301
  appeals, See **APPEALS, CRIMINAL**
  appear, notice to, See **ARREST, Notice to appear**
  attorney general, to, 46-1-301, 46-1-302
  bail, See **BAIL, CRIMINAL**
  compulsion as defense, reliance on, 46-15-301
  death penalty, inquiry into pregnancy of defendant, 46-19-203
  depositions, See **DEPOSITIONS**
  discovery, additional evidence, 46-15-302

CRIMINAL PROCEDURE (Continued)

Notice (Continued)
  entrapment as defense, reliance on, 46-15-301
  executive clemency, hearing on, 46-23-303
  mental disease or defect
    hearing on release from confinement, 46-14-301
    reliance on as defense, 46-14-201, 46-14-202, 46-15-301
  new trial, 46-16-702
  persistent felony offender, treatment of defendant as, 46-18-503
  postconviction hearing, 46-21-201
  search and seizure, return of property, 46-5-304
  self-defense as defense, reliance on, 46-15-301
  sentence, See **SENTENCING**
  suppression of evidence, pretrial motions for
    confessions, 46-13-301
    seizures, illegal, 46-13-302
  state involvement, notice to attorney general, 46-1-301, 46-1-302
  suspicious deaths, 46-4-102
  witnesses
    list of, 46-15-301, 46-15-303
    out-of-state, appearance in lieu of notice, 46-15-112
Oath of witness, See **WITNESSES**
Objections
  appeal, on, See **APPEALS, CRIMINAL**
  arraignment, irregularity, 46-12-206
  challenges to jurors, See **JURIES AND JURORS**
  depositions, 46-15-204
  instructions to the jury, 46-16-401
  mental disease or defect of defendant, effect, 46-14-221
  pretrial motions, in, See **Pretrial motions**
  time for, 46-13-101, 46-13-102
  venue, improper, 46-3-101
  waiver, 46-13-102
"Offense" defined, 45-2-101, 46-1-201, See **CRIMES**, **Offense**
Opinion testimony, See **EVIDENCE**
Oral examination, See **EVIDENCE**, **Examination of witness**
Order in proceedings
  criminal code, effect, 45-1-104
  power to compel, 3-1-111, 3-1-402, 3-1-403, 3-1-501, 3-10-401, 3-11-303
Order of trial, 46-16-401, 46-16-402
Orders, See **MOTIONS AND ORDERS**
Pardon, See **PROBATION, PAROLE, AND CLEMENCY**, **Executive clemency**
Pardons, Board of, See **PROBATION, PAROLE, AND CLEMENCY**
Parole, See **PROBATION, PAROLE, AND CLEMENCY**
Parole and Executive Clemency Act, Title 46, chapter 23, parts 1 — 3, 10, See **PROBATION, PAROLE, AND CLEMENCY**, generally
Paupers, See **In forma pauperis**
Penalties, See **CRIMES**, specific offense; **SENTENCING**
Peremptory challenges
  judges, 3-1-802
  jurors, See **JURIES AND JURORS**, **Challenges, peremptory**
Persistent felony offenders, See **SENTENCING**
Physician-patient privilege, See **EVIDENCE**, **Privileges**
Place of trial, See **VENUE**
Plea
  arraignment, at, 46-12-202
  city courts, 46-17-203, 46-17-301
  corporations, failure to appear after summons, 46-6-304
  data to supreme court, 46-18-604
  guilty, See also **Conviction**; **Judgment**; **SENTENCING**
    acceptance by court, 46-12-204, 46-16-105
    defenses, notice given at, 46-15-301
    double jeopardy, effect upon, 46-11-503

CRIMINAL PROCEDURE (Continued)

Plea (Continued)
  guilty (Continued)
    hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
    inadmissibility, Title 26, chapter 10, M.R.Ev., Rule 410
    issues, 46-16-103
    offer, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
    when, 46-16-105
    withdrawal, 46-16-105, 46-18-204; Title 26, chapter 10, M.R.Ev., Rule 410
  insanity, See **Mental disease or defect of defendant**
  justice's court, 46-17-203, 46-17-301
  not guilty, issues, 46-16-103, 46-16-104
  preliminary examination, defendant may not enter plea, 46-10-202
  pretrial motions, effect on plea, 46-13-103, 46-13-105
  refusal, 46-12-204
  required, 46-12-204
  statistical data to supreme court, 46-18-604
  time to enter, 46-11-202, 46-11-203, 46-13-105
Police court, trial in, See **Justices' and city courts, proceedings in**
Postconviction hearing
  affidavits, 46-21-104, 46-21-201
  appeal, effect, 46-21-105
  appeal from, 46-21-203
  appearance of petitioner, 46-21-201
  applicability of laws, 46-21-101, 46-22-101
  commencement of proceedings, 46-21-103
  decision, 46-21-201
  dismissal, 46-21-201
  double jeopardy, when conviction held invalid, 46-11-505
  effect, 46-21-201
  evidence, 46-21-104, 46-21-201
  findings of fact and conclusions of law, 46-21-201, 46-21-202
    required, 46-21-104
  grounds, 46-21-101, 46-21-105
  habeas corpus, applicability of laws, 46-21-101, 46-22-101
  hearing, 46-21-201
  notice, 46-21-201
  petition
    amendment, 46-21-105
    contents, 46-21-104
    docketing, 46-21-103
    filing, 46-21-102, 46-21-103
  record, 46-21-202
  responsive pleadings, 46-21-201
  review, 46-21-203
  time, 46-21-102
  waiver of grounds not raised, 46-21-105
Post-Conviction Procedure Act, Uniform, Title 46, chapter 21, See **Postconviction hearing**
Precedence on court calendar, See **COURT CALENDAR PRECEDENCE**
Preliminary examination
  answer, defendant held for, 46-10-102, 46-10-203, 46-10-204
  defined, 46-10-101
  discharge of defendant upon, 46-10-203
  disposition of defendant, 46-10-203
  evidence, 46-10-202; Title 26, chapter 10, M.R.Ev., Rule 101
  information, See **Information**
  justice of the peace, before, 3-10-303, 46-7-103, 46-10-101
  plea may not be entered, 46-10-202
  privacy of proceedings, 46-10-201
  probable cause, to determine, 46-10-101
  purpose, 46-10-101
  record, 46-10-204

CRIMINAL PROCEDURE (Continued)

Preliminary examination (Continued)
  rules of evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
  time, 46-7-103
  transcript, 46-10-204
  transmittal of record and bail, 46-10-204
  waiver, 46-10-102
  when, 46-7-103
  witnesses, 46-10-202
Preliminary matters
  jury, presence, Title 26, chapter 10, M.R.Ev., Rule 104
  mental disease or defect of defendant, effect, 46-14-221
  testimony of accused, Title 26, chapter 10, M.R.Ev., Rule 104
Preparation time for trial, 46-16-106
  amended information, 46-11-403
  justices' and city courts, 46-17-204
Preponderance of evidence, See **EVIDENCE**, **Burdens of proof**
Presence of defendant, See **Appearance of defendant**
Presentence investigation, See **SENTENCING**
Press, privileges, See **EVIDENCE**, **Privileges**, media
Presumptions, See **EVIDENCE**
Pretrial motions
  answer, may be included in, 46-12-203
  change of venue, motion for, 46-13-203
  compulsory, 46-13-102
  confession
    production, 46-15-303
    suppression, 46-13-301
  continuance, motion for, 46-13-202
  disallowance, 46-13-105
  dismissal
    effect, 46-13-106
    motion for, 46-13-201, 46-13-204
  evidence illegally seized, suppression, 46-13-302
  hearing, 46-13-104
  jury, objections to, 46-16-302
  mental disease or defect, effect, 46-14-221
  permitted when, 46-13-101
  required when, 46-13-102
  search and seizures, motion to suppress evidence when unlawful, 46-13-302
  suppression of evidence, 46-13-301, 46-13-302
    appeal, 46-20-103
  time of
    hearing, 46-13-104
    making, 46-12-203, 46-13-103
  waiver, 46-13-102
Privacy of proceedings when, See also **Public proceedings required**
  preliminary examination, 46-10-201
  videotaped testimony, 46-15-402, 46-15-403
  witnesses, exclusion, 3-1-313
Privileges, See **EVIDENCE**
Probation, See **PROBATION, PAROLE, AND CLEMENCY**
Process, See specific type of process
Psychiatric examination, See **Mental disease or defect of defendant**
Public defender, 46-8-202
Public proceedings required, 3-1-312, See also **Privacy of proceedings when**
  arraignment, 46-12-201
  judgment, rendition, 46-18-102
Punishment, See **CRIMES**, specific offense; **SENTENCING**
Purpose, 46-1-102
Questioning of witness, See **EVIDENCE**, **Cross-examination of witness**; **Examination of witness**
Questions of fact or law, See **Issues**

CRIMINAL PROCEDURE (Continued)

Rape, videotaped testimony, See **EVIDENCE, Sexual offenses**
Reasonable doubt, 26-1-403, 26-1-601, 26-1-602, 46-16-602
Rebuttable presumptions, See **EVIDENCE, Presumptions**
Recesses, See **Continuance**; **COURTS, Adjournment**
Recidivism, See **SENTENCING, Persistent felony offenders**
Record
  arraignment, 46-12-205
  city court, 46-17-102, 46-17-301
  death sentence, transmittal for review when, 46-18-309
  instructions to jurors, 46-16-401
  justice's court, 46-17-102, 46-17-301
  preliminary examination, 46-10-204
  presentence investigation reports, 46-18-113
Registers of court proceedings, 3-5-505, 3-5-506, 3-5-510, 3-5-511
Relevance, See **EVIDENCE**
Relief from judgment or sentence
  appeals, See **APPEALS, CRIMINAL**
  collateral attack, 46-21-101
  coram nobis, 46-21-101
  habeas corpus, 46-21-101, See **HABEAS CORPUS, WRIT OF**
  new trial, See **New trial**
  postconviction hearing, See **Postconviction hearing**
Rendition, 40-5-106, 40-5-107, 53-9-104; Title 26, chapter 10, M.R.Ev., Rule 101, See also **EXTRADITION**
Repeal of law creating offense, effect, 1-2-205
Reporters' Confidence Act, Title 26, chapter 1, part 9, See **EVIDENCE, Privileges**, media
Reprieve, See **PROBATION, PAROLE, AND CLEMENCY, Executive clemency**
Reputation evidence, See **EVIDENCE**
Responsibility, See **CRIMES, Accountability**
Restitution, See **SENTENCING**
Review, See **APPEALS, CRIMINAL**; **SENTENCING**
Rights of defendant
  appeal when affected, 46-20-701
  arraignment, at, 46-12-202
  arrest, probable cause, 46-6-201, 46-6-401
  bail, 46-9-102, 46-9-103, See **BAIL, CRIMINAL**
  charge, effect of amendment, 46-11-403
  confrontation of witnesses, See **RIGHTS**; See also **Appearance of defendant**
  conviction, effect, 46-18-801, 46-23-1021
  counsel, to, See **Counsel**
  cross-examination, See **RIGHTS**
  double jeopardy, See **Former prosecutions**
  exclusionary rule, 46-13-301, 46-13-302
  extradition, rights of accused, 46-30-217, 46-30-218, 46-30-225
  fair trial, 46-13-203
  habeas corpus, 46-22-101, 46-30-217, See **HABEAS CORPUS, WRIT OF**
  harmless error, See **Error**
  initial appearance without delay, 46-7-101
  jury trial, 46-16-102, 46-17-201
  parole or probation violations, when, 46-23-422, 46-23-1105
  preliminary examination, at, 46-10-202
  restoration after conviction, 46-18-801, 46-23-1021
  search and seizure, See **SEARCH AND SEIZURE**, generally
  self-incrimination, See **WITNESSES**
  sentence
    exceptions to mandatory minimums, at hearing, 46-18-223
    restrictions in, 46-18-202
    review, 46-18-903
  speedy trial, 46-13-201, 46-13-202
  supervised release violations, due process hearing, 46-23-422
Roadblocks, See **SEARCH AND SEIZURE**

CRIMINAL PROCEDURE (Continued)

Rules of criminal procedure
    judicial notice, Title 26, chapter 10, M.R.Ev., Rule 202
    publication with Montana code annotated, 1-11-204
Rules of Evidence, applicability, 46-16-201, See **EVIDENCE**, generally
Scope of laws, See **Applicability of laws**
Search and seizure, See **SEARCH AND SEIZURE**
Self-defense, notice of intent to rely on as defense, 46-15-301, See also **CRIMES, Force, justifiable use of**
Self-incrimination, See **WITNESSES**
Sentencing, See **SENTENCING**; See also **Conviction**; **Judgment**; **Verdict**
Severance of offenses or defendants, 46-11-404
Sexual offenses, videotaped testimony, See **EVIDENCE**
Shield Law, Title 26, chapter 1, part 9, See **EVIDENCE, Privileges**, media
Speedy trial guaranteed, 46-13-201, 46-13-202, See also **COURT CALENDAR PRECEDENCE**
State agencies, initiation by, 46-1-301
State medical examiner, See **MEDICAL EXAMINER, STATE**
State's witness, 46-11-405
Statutes applicable, See **Applicability of laws**
Statutes of limitation, See **STATUTES OF LIMITATION**
Stay of execution, See **Judgment**; **APPEALS, CRIMINAL**; **SENTENCING**
Stop and frisk, See **SEARCH AND SEIZURE**
Subpoenas, See **SUBPOENAS**
Substitute judge or justice, 3-1-802, See specific court
Substitute prosecuting attorney, 46-16-107
Sufficiency of evidence, See **EVIDENCE, Weight and sufficiency of evidence**
Suggestive questions, See **EVIDENCE, Cross-examination of witness**, leading questions; **Examination of witness**, leading questions
Summons
    arrest warrant, issuance of
        failure to appear on summons, 46-6-303
        summons in lieu of, 46-6-201, 46-6-301
    content, 46-6-302
    corporation, to, 46-6-304
    defined, 46-6-101
    disobedience, 46-6-303, 46-6-304
    failure to appear, 46-6-303, 46-6-304
    form, 46-6-302, 46-6-304
    indictment, disclosure for summons, 46-11-317
    minors, issuance to for unlawful operation of motor vehicle, 61-12-602
    notice to appear, summons on failure to appear, 46-6-404
    number which may issue, 46-6-201
    revenue, department of — authority, 15-1-301
    rules of evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
    service, 46-6-301, 46-6-304
    when, 46-6-201, 46-6-301, 46-6-404
    witnesses, out-of-state — summons of, 46-15-112, 46-15-113
    writing required, 46-6-302
Suppression of evidence, See **EVIDENCE**
Television, videotaped testimony, See **EVIDENCE, Sexual offenses**
Termination of prosecution, effect on double jeopardy, 46-11-503, 46-11-504
Testimony, See **EVIDENCE**
Time
    answer, 46-12-203
    appeals, See **APPEALS, CRIMINAL**
    appearance, 46-9-202
    arrest, 46-6-105
    calendar precedence, 46-16-101
    change of venue, pretrial motion, 46-13-203
    complaint, amendment, 46-17-101
    death sentence
        date of execution, 46-19-103
        review, 46-18-308

CRIMINAL PROCEDURE (Continued)

Time (Continued)
  defenses, notice of, 46-15-301
  depositions, taking, 46-15-201
  habeas corpus, See **HABEAS CORPUS, WRIT OF**
  indictment, recording, 46-11-402
  information
    amendment, 46-11-403
    filing, 46-11-203
    recording, 46-11-402
    statement on not filing, 46-11-204
  initial appearance, 46-7-101
  judgment, rendition, 46-18-102
  jury
    challenges to, 46-16-306
    motion to discharge, 46-16-302
  mental disease or defect
    examination to determine, duration of commitment for, 46-14-202
    notice of intent to rely on as defense, 46-14-201, 46-15-301
    recommitment, 46-14-304
    release from confinement
      defendant, request by, 46-14-303
      mandatory hearing, 46-14-301
      superintendent of warm springs state hospital, examination report when release request by, 46-14-302
  new trial, motion for, 46-16-702
  persistent felony offenders, notice of treatment as, 46-18-503
  plea, 46-12-203
  postconviction hearing, 46-21-102
    appeal from, 46-21-203
  preparation for trial, See **Preparation time for trial**
  pretrial motions, See **Pretrial motions**
  search warrant, execution, 46-5-207
  sentence, application for review, 46-18-903
  shoplifting, duration of stop, 46-6-503
  stop and frisk, duration of stop, 46-5-402
  substitution of judge, 3-1-802
  suppression of evidence, notice of pretrial motion, 46-13-301, 46-13-302
  trial, 46-13-201, 46-16-101, 46-16-106, See also **COURT CALENDAR PRECEDENCE**
  witnesses, notice of, 46-15-301
Time limitations, See **STATUTES OF LIMITATION**
Transcript of proceedings
  appeals, See **APPEALS, CRIMINAL**
  arraignment, 46-12-205
  copies, distribution requirements, 3-5-604
  death sentence, transmittal for review when, 46-18-309
  evidence, 3-5-612
  fees for, 3-5-604
  grand jury proceedings, 46-11-316, 46-11-317
  instructions to the jury, 46-16-401
  preliminary examination, 46-10-204
  reporter required to make, 3-5-603, 3-5-611
Transfer of trial when, 46-13-204
Trial
  appearance of defendant required, 46-16-108
  charge, original lost or destroyed — trial on copies, 46-11-402
  competency of defendant, 46-14-103, See **Mental disease or defect of defendant**
  copies of charge, upon, 46-11-402
  county attorney, failure to attend, 46-16-107
  court, by
    issues of fact decided by, 46-16-103
    issues of law decided by, 46-16-103
    when, 46-16-102

CRIMINAL PROCEDURE (Continued)

Trial (Continued)
  jury, by
    issues of fact decided by, 46-16-103
    issues of law decided by, 46-16-103
    order of trial, 46-16-401, 46-16-402
    right, 46-16-102
    waiver, 46-16-102
  preparation, time for, 46-16-106
  speedy trial, 46-13-201, 46-13-202
  testimony, See **EVIDENCE**
Truthfulness of witness, See **EVIDENCE, Credibility of witness**
Unanswerable evidence, See **EVIDENCE, Conclusive evidence**
Uniform Act for Out-of-State Parolee Supervision, Title 46, chapter 23, part 11, See **PROBATION, PAROLE, AND CLEMENCY, Interstate supervision of probationers and parolees**
Uniform Act on Close Pursuit, 46-6-411, See **ARREST, Close pursuit**
Uniform Act to Secure Attendance of Witnesses from Without State in Criminal Proceedings, 46-15-111 — 46-15-114, See **WITNESSES, Out of state witnesses in criminal proceedings**
Uniform Criminal Extradition Act, Title 46, chapter 30, See **EXTRADITION**, generally
Uniform Judicial Notice of Foreign Law Act, Title 26, chapter 10, M.R.Ev., Rule 202
Uniform Post-Conviction Procedure Act, Title 46, chapter 21, See **Postconviction hearing**
Uniform Rules of Evidence, Title 26, chapter 10, See **EVIDENCE**, generally
Uniform Status of Convicted Persons Act, 46-18-801
Vacancy of judicial office, effect on proceedings, 3-1-311
Venue, See **VENUE**
Verdict, See also **Acquittal**; **Conviction**; **Judgment**; **JURIES AND JURORS, Deliberations**; **SENTENCING**
  appeal, See **APPEALS, CRIMINAL**
  city court, 46-17-211
  data to supreme court, 46-18-604
  deferred imposition of sentence, effect, 46-18-204
  double jeopardy, effect, See **Former prosecutions**
  fingerprints and photographs, return to individual upon innocence, 44-5-202
  foreman's duties, 46-16-603
  form, 46-16-603
  innocence, presumption, 26-1-602, 46-16-601
  inquiry into validity, juror as witness, Title 26, chapter 10, M.R.Ev., Rule 606
  instructions to jury, See **JURIES AND JURORS**
  joinder of charges or defendants, 46-11-404, 46-16-603, 46-17-211
  justice's court, 46-17-211
  mental disease or defect, verdict must state when found not guilty, 46-14-201
  modification, 46-16-702, 46-20-103
  multiple defendants, 46-16-603
  new trial, grounds, 46-16-702, See **New trial**
  nonjudicial days, action on, 3-1-302
  poll of jury, 46-16-604, 46-17-211
  reasonable doubt, 26-1-403, 46-16-601, 46-16-602
  return, 46-16-603
  review, 46-20-104, See **APPEALS, CRIMINAL**
  signing, 46-16-603
  statistical data to supreme court, 46-18-604
  unanimity, 46-16-603, 46-17-211
Videotaped testimony, See **EVIDENCE, Sexual offenses**
Views of premises, 46-16-502
Warrants, See **ARREST**; **SEARCH AND SEIZURE**
Weight and sufficiency of evidence, See **EVIDENCE**
Western Interstate Corrections Compact, Title 46, chapter 19, part 3, See **Commitment**
Witnesses, See **WITNESSES**
Work programs, See **PROBATION, PAROLE, AND CLEMENCY, Supervised release**; **Work release program**

CRIMINAL PROCEDURE (Continued)

Writings and recordings, See **EVIDENCE**
Writs, 46-21-101, See **WRITS**
Youth court, applicability, 41-5-531, See also **YOUTH COURT**, generally

CRIMINAL RECORD

See **CRIMINAL JUSTICE INFORMATION; OFFENDERS, FORMER; PRISONERS**

CRIPPLED PERSONS

See **HANDICAPPED PERSONS**

CROP DUSTING

See generally **INSECTS AND INSECT CONTROL, Control programs; LIENS, Crop dusting, liens for; PESTS AND PESTICIDES, Applicators**

CROPS AND CROPLANDS

See **AGRICULTURE**, generally

CROSS APPEALS

See **APPEALS, CIVIL**

CROSS-CLAIM

See **CIVIL PROCEDURE**

CROSS-EXAMINATION

See **EVIDENCE**

CROSSWALKS

See **PEDESTRIANS; TRAFFIC REGULATIONS**

CRUELTY TO ANIMALS

See **ANIMALS**

CRYPTS

See **CEMETERIES; MAUSOLEUMS AND COLUMBARIUMS**

CULTURAL ACTIVITIES AND RESOURCES

See generally **ARTS; HISTORICAL SOCIETY**

CURING TITLE

See **QUIETING TITLE**

CUSHIONS

See **MATTRESSES**

CUSTODY

See **ARREST; CHILD CUSTODY**

CUSTOM COMBINING AND COMBINERS

See **AGRICULTURE, Combine harvesters; GRAIN**, generally

CUSTOM-MIXED FEEDS

See **COMMERCIAL FEEDS**, generally

CUTWORMS

See **INSECTS AND INSECT CONTROL**, generally

CYCLE MOTORS

See **MOTOR VEHICLES**, generally

CYCLING AND CYCLISTS

See generally **BICYCLES; MOTORCYCLES; MOTOR VEHICLE EQUIPMENT, Motor-driven cycles**

D

DAIRIES AND DAIRY PRODUCTS

Adulteration of milk or cream
- condemnation of product, 81-22-401
- removal or destruction of product, 81-22-404
- sales unlawful, 81-22-401, 81-22-409
- unlawful, 81-22-409

Agricultural associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**

Antimonopoly statutes, applicability, 81-22-108

Associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**

Board of Milk Control, See **Milk Control, Board of**

Butterfat
- labeling, 50-31-203
- posting prices of, 81-22-418
- products containing less than required, manufacture or sale unlawful, 81-22-417
- weighing provisions, 30-12-403

Cheese, See **Labeling**

City
- inspections, 7-21-4202
- ordinances, 81-2-105

Classification of milk, See **Milk price control**

Commerce, Department of
- accounting system for distributors, adoption, 81-23-402
- assessments levied by, 81-23-105, 81-23-202, 81-23-204
- cooperation with other governmental agencies, 81-23-404
- defined, 81-23-101
- distributors, bond requirements, 81-23-205
- earmarked revenue fund
  - assessments, 81-23-202
  - fines, 81-23-403
  - penalties, 81-23-204

DAIRIES AND DAIRY PRODUCTS (Continued)

Commerce, Department of (Continued)
- entry, right of — for inspections, 81-23-401
- fair trade practices, rules for, 81-23-303
- fines, disposition, 81-23-403
- grading techniques, 81-23-105
- inspections or investigations by, 81-23-401
- licenses
  - applications, 81-23-203
  - declined, suspended, or revoked — when, 81-23-201, 81-23-204, 81-23-304, 81-23-402
  - fees, disposition, 81-23-202
  - penalties, civil, 81-23-204
- marketing areas, designation and establishment, 81-23-301
- powers generally, 81-23-103, 81-23-401
- producers, assessments levied on, 81-23-105, 81-23-202, 81-23-204
- reports required by, 81-23-402
- rules and orders
  - adoption and enforcement, 81-23-104, 81-23-302, 81-23-406
  - amendment when, 81-23-202
  - auditing, 81-23-302
  - fair trade practices, for, 81-23-303
  - violation, 81-23-204, 81-23-405
- sampling techniques, 81-23-105
- testing programs, 81-23-105

Commercial feeds, See **COMMERCIAL FEEDS**

Condemnation of unsafe milk, 81-22-401

Condensed, evaporated, or powdered milk plants, See **Milk plants**, generally

Containers
- cheese, labeling, 81-22-405
- frozen desserts, 81-22-420
- manufactured dairy products, 81-22-419

Cooperative marketing, See **AGRICULTURAL MARKETING ASSOCIATIONS**

Cream stations, See **Licenses and licensing**

Definitions, 81-21-101, 81-22-101, 81-23-101

Diseased dairy cattle, See **LIVESTOCK, Disease control; Slaughter of diseased animals**

Distribution of milk, See **Milk price control**

Distributors, See **Milk price control**

Enforcement of provisions, 81-22-104, 81-22-105; Title 81, chapter 23, part 4, See also **Milk price control**

Entry, right of — for inspections, 81-22-304, 81-23-401

Equipment
- c.i.p. method, 81-22-101, 81-22-414
- manufactured dairy products, for, 81-22-419
- pasteurizing, 81-22-414
- replacement, 81-22-403

Farmers markets, See **PUBLIC MARKETS**

Feeds, See **COMMERCIAL FEEDS**

Filled dairy products
- defined, 81-22-101
- unlawful, exceptions, 81-22-411

Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally

Fluid milk plants, See **Milk plants**, generally

Frozen desserts
- contents, labeling, 50-31-203, 81-22-420
- defined, 81-22-101

Graders, See also **Grading**
- condemnation of unsafe milk, 81-22-401
- employment, 81-22-402
- examination, 81-22-202, 81-22-206
- licenses, See **Licenses and licensing**

DAIRIES AND DAIRY PRODUCTS (Continued)

Grading, See also **Graders**
  deceit in, penalty, 81-22-602
  "grading" defined, 81-22-101
  milk, 81-22-401, 81-23-105
  standards, 81-22-102
Gross vehicle weight fees, See **MOTOR VEHICLES**
Haulers, See **Licenses and licensing**, milk or cream route
Health and Environmental Sciences, Department of
  adulterated products, removal or destruction, 81-22-404
  labeling requirements for manufactured products, 81-22-421
  licensing requirements, exceptions to, 81-21-103, 81-22-209
  manufacturing plants, approval for plans concerning, 81-22-403
  pasteurization records, availability, 81-22-414
  tests and analyses by, 81-22-301
Ice cream, labeling, 50-31-203
Imported products
  extraneous fats, containing, 81-22-410
  sanitary regulation, 81-22-407
Injunction, when, 81-21-104, 81-22-105
Inspections
  cattle, 81-2-103
  city, 7-21-4202
  city ordinances for, 81-2-105
  entry, right of — for, 81-22-304, 81-23-401
  evidence, as, 81-22-107
  expenses, how paid, 81-2-109
  food establishment provisions, exclusion, 50-50-102
  generally, 81-22-105, 81-22-203
  rules for, 81-2-102
  samples, See **Samples**
  sanitary conditions, See **Sanitary conditions**
  testing, See **Testing**
Investigations, 81-22-105, 81-23-401
Jobbers, See **Milk price control**
Labeling
  butter, 50-31-203
  cheese, 50-31-203, 81-22-413
  cheese containers, 81-22-405
  frozen desserts, 50-31-203, 81-22-420
  ice cream, 50-31-203
  manufactured dairy products, 81-22-408, 81-22-421
    Montana food, drug, and cosmetic act — in accordance with, 81-22-101
  pasteurization, 81-22-415
  samples, See **Samples**
Label, Montana quality, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS, Montana quality label**
Land, taxation as agricultural, 15-7-202, See **TAXATION, Agricultural land**
Licenses and licensing
  appeals concerning, 81-22-203
  applicability of provisions, 50-50-102, 81-22-209
  cream stations, 81-22-201, 81-22-208
  dairies, 81-21-102
    change of ownership, effect, 81-22-201
    fee, 81-22-208
    required, 81-22-201, 81-22-202
  denial when, 81-21-102, 81-22-203, 81-22-205
  discrimination in issuance prohibited, 49-3-204
  distributors, See **Milk price control**
  examination requirements, 81-22-202, 81-22-205, 81-22-206
  exceptions, 81-21-103
  expiration, 81-22-207
  fees, 81-21-102, 81-22-204, 81-22-205, 81-22-208

DAIRIES AND DAIRY PRODUCTS (Continued)

Licenses and licensing (Continued)
  food establishment provisions, exclusion, 50-50-102
  graders, 81-22-202, 81-22-206, 81-22-208
  haulers, See milk or cream route
  hearings, 81-22-203
  issuance as privilege, 81-22-207
  jobbers, See **Milk price control**
  manufactured dairy products plant
    change of ownership, effect, 81-22-201
    fee, 81-22-208
    required, 81-22-201, 81-22-202
  milk or cream route, 81-22-204, 81-22-208
  milk plants, 81-21-102
  nontransferability, 81-22-207, 81-22-208
  penalties, 81-22-207, 81-22-208
  posting, 81-22-207, 81-22-208
  privilege, issuance as, 81-22-207
  producer-distributors, See **Milk price control**
  producers, See **Milk price control**
  renewal, 81-22-207, 81-22-208
    denied when, 81-22-203, 81-22-205
  required, 81-22-201
  revocation, 81-21-102, 81-22-203, 81-22-205, 81-22-402, 81-22-602
  samplers, 81-22-202, 81-22-206, 81-22-208, 81-23-105
  suspension, 81-21-102, 81-22-203, 81-22-205
  testers, milk and cream, 81-22-202, 81-22-205, 81-22-208, 81-23-105
  validity, 81-22-207, 81-22-208
  weighers, 81-22-202, 81-22-206, 81-22-208
Livestock, Department of
  adulterated products, request for removal, 81-22-404
  authority generally, 81-22-102
  condemnation of unsafe milk, 81-22-401
  cooperative agreements, 81-22-305
  defined, 81-22-101
  enforcement of laws and rules, 81-22-104
  examinations by, 81-22-205
  injunctions requested when, 81-21-104, 81-22-105
  inspections, 81-22-105, 81-22-304
  investigations, 81-22-105
  labeling requirements for manufactured products, 81-22-421
  licenses
    issuance, 81-21-102, 81-22-202, 81-22-204, 81-22-206
    milk producers, producer-distributors, distributors, and jobbers, See **Milk price control**, licenses for producers, producer-distributors, distributors, and jobbers
    penalties, 81-22-207, 81-22-208
    renewal, suspension, or revocation, 81-22-203, 81-22-208, 81-22-602
  manufacturing plants — plans for construction, remodeling, or relocation — requirements, 81-22-403
  pasteurizing equipment, rules for, 81-22-414
  producers' names requested when, 81-22-106
  records and reports
    availability, 81-22-503
    examination, 81-22-501
    monthly report, 81-22-502
  restraining orders issued when, 81-21-102
  right of entry for inspections, 81-22-304
  rules
    enforcement, 81-22-104
    new or amended, procedures, 81-22-103
  samples, authority concerning, 81-22-303
  tests and analyses, 81-22-301, 81-22-303
    retesting, 81-22-302

DAIRIES AND DAIRY PRODUCTS (Continued)

Manufactured dairy products
- codes and numbers, use on packaging, 81-22-408
- containers, 81-22-419
- equipment for, 81-22-419
- extraneous fats, products containing — manufacture, sale, or importation, 81-22-410
- generally, Title 81, chapter 22
- labeling requirements, conformity, 81-22-421
- name of manufacturer, wholesaler, or retailer to appear on package, 81-22-408
- plants
  - construction, remodeling, or relocation plans — requirements, 81-22-403
  - entry, right of — for inspections, 81-22-304
  - licenses, See **Licenses and licensing**
  - producers' names, to furnish when, 81-22-106
  - records, production, 81-22-503
  - report, monthly, 81-22-502
- removal or destruction when, 81-22-404
- safe temperature
  - defined, 81-22-101
  - to be kept at, 81-22-406
- standards
  - generally, 81-22-416
  - identity, of — conformance, 81-22-412

Marketing associations, See **AGRICULTURAL MARKETING ASSOCIATIONS**

Markets, See **PUBLIC MARKETS**

Measuring provisions, 30-12-403, 30-12-404
- deceit, penalty, 81-22-602

Milk and cream testers, See **Testers**

Milk classification, See **Milk price control**

Milk Control, Board of
- allocation, 2-15-1802
- composition, 2-15-1802
- defined, 81-23-101
- hearings, 81-23-302
- per diem and expenses, 81-23-202
- prices, minimum — establishment, 81-23-302
- quasi-judicial, designation as, 2-15-1802
- restrictions on membership, 2-15-1802
- rules and orders
  - adoption, 81-23-104
  - amendment, 81-23-302
  - enforcement, 81-23-406
  - transportation rates, for, 81-23-302
  - violations, 81-23-204, 81-23-405
- termination, 2-8-103
- transportation rates, rules for, 81-23-302

Milk or cream route, See **Licenses and licensing**

Milk plants
- fluid, defined, 81-21-101
- licensing, See **Licenses and licensing**
- producers' names, to furnish when, 81-22-106

Milk price control
- application of provisions, 81-23-106
- assessments for administration, 81-23-105, 81-23-202, 81-23-204
- board, See **Milk Control, Board of**
- classification of milk, 81-23-101
- commerce, department of, See **Commerce, Department of**
- cooperation with other governmental agencies, 81-23-404
- definitions, 81-23-101
- distributors
  - accounting system for, 81-23-402
  - assessments, 81-23-202, 81-23-204
  - bond requirements, 81-23-205

DAIRIES AND DAIRY PRODUCTS (Continued)

Milk price control (Continued)
  distributors (Continued)
    defined, 81-23-101
    record requirements, 81-23-402
    retailers, financing prohibitions, 81-23-305
  enforcement of provisions
    auditing, 81-23-302
    costs, 81-23-202
    generally, 81-23-103, 81-23-302; Title 81, chapter 23, part 4
  entry, right of — for inspections, 81-23-401
  fair trade practices, rules for, 81-23-303
  grading of milk, See **Grading**
  hearings, 81-23-302
  inspections, 81-23-401
  investigations, 81-23-103, 81-23-401
  jobbers
    assessments, 81-23-202, 81-23-204
    defined, 81-23-101
    retailers, financing prohibitions, 81-23-305
  licenses for producers, producer-distributors, distributors, and jobbers
    applications, 81-23-203
    declining, 81-23-201, 81-23-204
    delinquency fee, 81-23-202
    discrimination in issuance prohibited, 49-3-204
    fees, 81-23-202, 81-23-204
    penalties, 81-23-204, 81-23-405
    required, 81-23-201, 81-23-202
    revocation, 81-23-201, 81-23-204, 81-23-205, 81-23-304, 81-23-402
    suspension, 81-23-201, 81-23-204, 81-23-205, 81-23-304
    termination automatic when, 81-23-202
  marketing areas
    base or quota plans, 81-23-302
    boundaries, adjustment, 81-23-301
    defined, 81-23-101
    designation and establishment, 81-23-301
    pooling arrangements, 81-23-302
    rules and orders, copies sent to, 81-23-104
  policy of state, 81-23-102
  prices
    defined, 81-23-101
    minimum
      enforcement, 81-23-301
      establishment and formulas, 81-23-302
  producer-distributors
    assessments, 81-23-202, 81-23-204
    defined, 81-23-101
    record requirements, 81-23-402
    retailers, financing prohibitions, 81-23-305
  producers
    assessments, 81-23-105, 81-23-202, 81-23-204
    defined, 81-23-101
    retailers, financing prohibitions, 81-23-305
  regulation of industry, 81-23-103
  report requirements, 81-23-402
  retailers
    credit limitations, 81-23-304
    financing restrictions, 81-23-305
  rules and orders, See **Commerce, Department of; Milk Control, Board of**
  samples of milk, See **Samples**
  supervision of industry, 81-23-103
  testing of milk, See **Testing**

DAIRIES AND DAIRY PRODUCTS (Continued)

Milk price control (Continued)
  violations
    distributors, failure to post bond, 81-23-205
    fines, disposition, 81-23-403
    generally, 81-23-204, 81-23-405
    licenses, failure to have, 81-23-201, 81-23-405
    reports, failure to file, 81-23-402
    rules or orders, of, 81-23-204, 81-23-405
Monopolies, applicability of laws, 81-22-108
Montana quality label, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS**
Packaging
  frozen desserts, 81-22-420
  manufacturer's, wholesaler's, or retailer's name on, 81-22-408
  standards, 81-22-102
  weighing provisions, 30-12-403
Pasteurization
  defined, 81-22-101
  equipment, 81-22-414
  labeling, 81-22-415
  records, 81-22-414
  requirements, 81-22-413
Penalties for violations, See **Violations**
Processing
  milk, See **Milk price control**
  standards, 81-22-102
Producers and producer-distributors, See **Milk price control**
Production
  milk, See **Milk price control**
  standards, 81-22-102
Public markets, See **PUBLIC MARKETS**
Quality label, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS, Montana quality label**
Records and reports
  availability, 81-22-503
  examination, 81-22-501
  monthly report, 81-22-502
  required, 81-22-501, 81-23-402
Regulation
  dairies selling milk or cream for public consumption, Title 81, chapter 21, part 1
  milk prices, See **Milk price control**
Reports, See **Records and reports**
Restraining orders, when, 81-21-102
Retailers, See **Milk price control**
Rules
  effect, 81-22-104
  enforcement, 81-22-104, 81-22-105
  milk price control, for, See **Commerce, Department of; Milk Control, Board of**
  new or amended, procedures, 81-22-103
  noncompliance, 81-22-203
  violation, 81-22-104, 81-22-105
Safe temperature
  defined, 81-22-101
  products to be kept at, 81-22-406
Sale of milk, See **Milk price control**
Samplers, See also **Samples**
  employment, 81-22-402
  examinations, 81-22-202, 81-22-206
  licensing, See **Licenses and licensing**
Samples, See also **Samplers**
  authority concerning, 81-22-303
  cooperative agreements concerning, 81-22-305
  evidence, admissibility as, 81-22-107

DAIRIES AND DAIRY PRODUCTS (Continued)

Samples (Continued)
  labeling or marking, 81-22-302
  milk, 81-23-105
  obtaining, right of entry for, 81-22-304
  "official test" defined, 81-22-101, See **Testing**
  rules for, 81-2-102
  taking and preservation, 81-22-302
Sanitary conditions
  "c.i.p." defined, 81-22-101
  imported products, regulation, 81-22-407
  rules for, 81-2-102, 81-22-104
  standards, 81-22-102
Slaughter of diseased animals, See **LIVESTOCK**
Standards
  generally, 81-22-102, 81-22-416
  identity, conformance of manufactured products, 81-22-412
  manufactured dairy products
    generally, 81-22-416
    standards of identity, conformance, 81-22-412
  milk, 81-22-416
  rules for, 81-2-102
  sanitation, See **Sanitary conditions**
Statistics concerning, 81-2-102
Storage
  milk, See **Milk price control**
  standards, 81-22-102
Temperature, See **Safe temperature**
Testers, See also **Testing**
  examinations, 81-22-202, 81-22-205
  licenses, See **Licenses and licensing**
Testing, See also **Testers**
  authority concerning, 81-22-303
  cooperative agreements concerning, 81-22-305
  deceit in, penalty, 81-22-602
  evidence, admissibility as, 81-22-107
  milk, raw, 81-23-105
  noncompliance with procedures, 81-22-203
  obtaining, right of entry for, 81-22-304
  official tests
    alteration of results, 81-22-205
    defined, 81-22-101
    designation, 81-22-301
    evidence, admissibility as, 81-22-301
    procedures, noncompliance — effect, 81-22-205
  program for, 81-23-105
  retesting, 81-22-302, 81-22-303
  rules for, 81-2-102
  standards, 81-22-102
  tuberculin, for dairy cows, See **LIVESTOCK**, **Tuberculin**
Transportation
  rates, 81-23-302
  standards, 81-22-103
Tuberculin test for dairy cows, See **LIVESTOCK**, **Tuberculin**
Use standards, 81-22-102
Vehicles, gross weight fees, See **MOTOR VEHICLES**, **Gross vehicle weight fees**
Violations
  adulteration of milk or cream, 81-22-409
  butterfat, manufacture or sale of products containing less than required, 81-22-417
  civil liability, 81-21-106
  deceit in grade, measure, or test of milk or cream, 81-22-602
  fats, products containing extraneous — manufacture, sale, or importation, 81-22-410
  filled dairy products unlawful when, 81-22-411

DAIRIES AND DAIRY PRODUCTS (Continued)

Violations (Continued)
- generally, penalty, 81-21-105, 81-22-601
- injunction to restrain, when, 81-21-104
- interference with departmental duties, 81-22-304
- investigations to disclose, 81-22-105
- licensees, doing business while license suspended or revoked, 81-22-203
- licenses, failure to have, 81-22-201, 81-22-204, 81-22-206
- manufactured dairy products plants, failure to make monthly report, 81-22-502
- milk or cream sales, when, 81-22-401, 81-22-409
- milk price control, See **Milk price control**, violations
- milk producers, producer-distributors, distributors, and jobbers, See **Milk price control**, violations
- pasteurization labeling, lack of, 81-22-415
- penalties, 81-21-105, 81-22-601
- products
  - removal or destruction, violation of orders for, 81-22-404
  - seizure and disposition, subject to, 81-22-105
- restraining orders, noncompliance, 81-21-102
- rules, of, 81-22-104
- standards of identity, manufactured products — noncompliance, 81-22-412
- tests, official — alteration of results, 81-22-205

Weighers
- employment, 81-22-402
- examinations, 81-22-202, 81-22-206
- licenses, See **Licenses and licensing**

Weight, sale by, 30-12-403

DALY DITCH WATER PROJECT ABANDONMENT

See **IRRIGATION**

DALY DITCH WATER PROJECT ADVISORY COUNCIL

See **IRRIGATION, Daly ditch water project abandonment**

DAMAGES

See also specific subject area

Abortion, refusal to participate on grounds of religious or moral conviction — damages barred, 50-20-111

Agent's authority, breach of warranty, 27-1-313

Appeal without merit, for, Title 25, chapter 21, M.R.App.Civ.P., Rule 32
- limited jurisdiction, from courts of, 25-33-304

Commencement of action, detriment after, 27-1-203

Compensatory, right to, 27-1-202

Consequential damages, 27-1-203

Contracts, breach, See **CONTRACTS, Breach**

Costs on recovery, 25-10-101 — 25-10-103

Criminal code, effect, 27-1-103, 45-1-104

Default judgment, determination, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)

Defined, 27-1-202

Delivery of personal property, when required with, 25-13-307

"Detriment" defined, 27-1-201

Docket entry, 3-5-508, 3-10-501

Duels, 27-1-223

Energy emergencies, damage during — damages barred, 90-4-315

Excessive
- new trial when, 25-11-102
- prohibited, 27-1-302

Execution, sale without notice, 25-13-702

DAMAGES (Continued)

Exemplary, See **Punitive**
Future damages, right to, 27-1-203
Instrument, effect when estimating damages, 27-1-304
Insurance information and privacy protection violations, 33-19-407
Interest on
  calculation, 27-1-211, 27-1-213
  contract, set by, 27-1-213
  discretionary award, 27-1-212
  obligation to pay money, 27-1-312
  personal property, wrongful conversion, 27-1-320
  real property
    conveyance, breach of agreement for, 27-1-314
    covenants, breach, 27-1-316
  right to, 27-1-211
  waiver by accepting principal, 27-1-214
Merger of civil and criminal remedies, right not merged, 27-1-103, 45-1-104
Money, breach of obligation to pay, 27-1-312
New trial when award excessive, 25-11-102
Nominal damages, right to, 27-1-204, 27-1-301
Obligations, breach, See **OBLIGATIONS**, **Damages**
Payment on judgment, effect, 26-1-706
Peculiar value, effect, 27-1-305
Penal, See **Punitive**
Personal injury
  duels, 27-1-223
  pleading of damages, 25-4-311 — 25-4-314
Public officers not personally liable, 25-10-701
Punitive
  animals, injury to, 27-1-222
  attorneys at law
    deceit or collusion by, 37-61-406
    delay of client's cause, 37-61-407
  campaign contribution or expenditure violations, 13-37-128
  carriers, liability to consignee or owner of coal or fuel confiscated by, 69-11-108
  cigarette tax, unpaid, 16-11-143
  claims to public agencies, false — penalty, 17-8-231
  consumer protection, 30-14-222
  consumer reports, noncompliance with provisions, 31-3-142
  defamation, 27-1-818
  duels, death or injuries during, 27-1-223
  election campaign contribution or expenditure violations, 13-37-128
  electrical energy producers, recovery of delinquent license tax, 15-51-113
  finders, failure to make discovery, 70-5-209
  forcible entry or detainer, 70-27-205, 70-27-206
  fraternal benefit societies, penalty for misrepresentations, 33-7-518
  fraud, 27-1-221
  gasoline and petroleum products, price discrimination, 82-15-207
  governmental entities, immunity, 2-9-105
  herd districts, trespassing livestock, 81-4-307
  incompetent persons, liability, 27-1-711
  landlord and tenant
    essential services, diminution, 70-24-411
    eviction, unlawful, 70-24-411
    possession
      landlord's failure to deliver, 70-24-405
      tenant's holdover, 70-24-429
    property of tenant, deliberate injury by landlord, 70-24-430
    rental agreement
      prohibited conditions, 70-24-403
      tenant's noncompliance, 70-24-422
    security deposit, wrongful withholding, 70-25-204
  malice, 27-1-221

DAMAGES (Continued)

Punitive (Continued)
  minors, liability, 27-1-711
  motor carriers, actions for recovery of excess charges, 69-12-511
  motor vehicle dealers
    financing sale of vehicles, damages from violation of provisions, 61-4-406
    pecuniary losses, 61-4-210
    succession to ownership violations, losses from, 61-4-137
  motor vehicle manufacturers or distributors, financing sale of vehicles — damage from violation of provisions, 61-4-406
  obligations, breach, 27-1-221, 27-1-303
  oppression, 27-1-221
  railroads
    actions for recovery of excess charges by, 69-14-322
    fireguard maintenance violations, recovery of damages, 69-14-722
    liability to consignee or owner of coal or fuel confiscated by, 69-11-108
  real property, waste by guardian or certain tenants, 70-16-106
  seduction, 27-1-514
  timber
    injury to, 70-16-108
    trespass for, 70-16-107
  trees, injury to, 70-16-108
  trespass for timber, 70-16-107
  unfair trade practices, 30-14-222
  unlawful detainer, 70-27-205, 70-27-206
  witness, for arrest of, 26-2-403
Reasonableness required, 27-1-302
Relief, as, 27-1-107
Right to, 27-1-202
Special, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(g)
Specific performance in lieu of, 27-1-402, 27-1-411, 27-1-419
State, joinder in property actions — no damages, 70-19-303
Subsequent injury, damages, 27-1-203
Summary judgment, effect, Title 25, chapter 20, M.R.Civ.P., Rule 56(c)
Treble, See **Punitive**
Value, peculiar, 27-1-305
Venue, 25-31-203, 25-31-204
Voluntary payment, no reduction by, 26-1-703, See also **EVIDENCE**, **Voluntary payment of claim**
Written instrument, effect when estimating damages, 27-1-304
Wrongful conversion, 27-1-320
Wrongful death
  amount, 27-1-323
  duels, 27-1-223
  pleading of damages, 25-4-311 — 25-4-314

DAMS AND RESERVOIRS

Actions
  county, Title 85, chapter 15, part 3
  safety, Title 85, chapter 15, part 2
Assessments, delinquency sale, 35-1-604
Complaints, Title 85, chapter 15, part 2
Condemnation for surface rights, 70-30-104, See also **EMINENT DOMAIN**
Conservation districts, site purchase and construction, See **CONSERVATION DISTRICTS**, **Water storage sites**
Construction, Title 85, chapter 15, part 1
Dead animals in, unlawful, 75-10-213
Easements for right-of-way on state lands, See **STATE LANDS**, **Easements**, generally
Eminent domain for surface rights, 70-30-104, See also **EMINENT DOMAIN**
Fish and Game Commission, adoption and enforcement of recreational use rules, 87-1-303
Fishing privileges, interstate, 87-2-1001 — 87-2-1004

DAMS AND RESERVOIRS (Continued)

Fish ladders — construction, maintenance, and funding, 87-1-222
Floodplains and floodways, See **FLOODPLAINS AND FLOODWAYS, Obstructions**, generally
Fort Peck Dam, jurisdiction, 2-1-209
Grazing districts, within, See **GRAZING DISTRICTS, Property**, generally
Hydroelectric resources, See **STATE LANDS, Power site leases or licenses**
Impounding reservoirs, See **FLOODS, Control projects**, generally
Interstate fishing privileges, 87-2-1001 — 87-2-1004
Natural Resources and Conservation, Department of — authority, Title 85, chapter 15
Power sites on state lands, See **STATE LANDS, Power site leases or licenses**
Reciprocal fishing privileges, 87-2-1001 — 87-2-1004
Recreational uses, rules for, 87-1-303
Safety, Title 85, chapter 15, part 2
Soil survey and mapping program, See **SOIL SURVEYS**, generally
State lands, on, See generally **STATE LANDS, Easements; Power site leases or licenses**
Taxation, See **TAXATION**
Waste treatment requirements, 75-5-306
Water commissioners, powers and duties, See **WATER, Commissioners**

DANCES AND DANCE HALLS

See **PUBLIC DANCES AND DANCE HALLS**

DANGEROUS DRUG ACT, Title 45, chapter 9; Title 50, chapter 32

See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dangerous drugs**

DATA PROCESSING

See also **COMPUTERS**

Banking, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Criminal information, See **CRIMINAL JUSTICE INFORMATION**
Electronic funds transfer, Title 32, chapter 6, See **ELECTRONIC FUNDS TRANSFER**
Equipment and facilities, See **STATE PURCHASING**

DATE OF BIRTH

See **BIRTH**

DAWSON COLLEGE

See **COMMUNITY COLLEGE DISTRICTS**, generally

DAY-CARE CENTERS

See **HEALTH CARE FACILITIES; MINORS**

DEAD ANIMALS

Abandonment of game animals unlawful, 87-1-102, 87-3-102
Burial, 75-10-213
Diseased
  disposal, 81-2-108
  sale, See **LIVESTOCK, Slaughter of diseased animals**
Disposal plants for, See **RENDERING OR DISPOSAL PLANTS**
Disposition, 75-10-213
Dumping or leaving, unlawful, 75-10-212, 75-10-233

DEAD ANIMALS (Continued)

Feedlots, in — inspection requirements, 81-3-215, 81-3-232
Inspection and identification, See **BUTCHERS AND MEAT PEDDLERS**, **Carcasses**; **SLAUGHTERHOUSES**, **Inspections**
Livestock killed by railroads, disposition, 69-14-712
Management, See **SOLID WASTE MANAGEMENT**, generally
Railroads, disposition of animals killed by, 69-14-712
Rendering plants for, See **RENDERING OR DISPOSAL PLANTS**
Tagging of game animal carcasses, 87-2-509, 87-5-302
Unlawful disposition, 75-10-213

DEAD BODIES

See **CORPSES**; **DEAD ANIMALS**

DEADLY WEAPONS

See **WEAPONS**, generally

DEAF AND BLIND, MONTANA STATE SCHOOL FOR THE

Admission
  application, mandatory, 20-8-105
  eligibility, 20-8-104
  indian children, 20-8-107
  indigent children, 20-8-108
  nonresidents, 20-8-104, 20-8-107
  rules for, 20-8-103
Attendance, duration, 20-8-106
Control, 20-8-101
Designation, 20-8-101
Donations to, See **INSTITUTIONS**, **Endowments**, generally
Employees, retirement, See **TEACHERS' RETIREMENT SYSTEM**
Employment placement officer
  duties, 20-8-116
  qualifications, 20-8-115
  superintendent as, 20-8-113
Endowments, See **INSTITUTIONS**
Executive board, local
  appointment, 20-8-101
  powers and duties, 20-8-101, 20-25-303, 20-25-304
Field worker
  duties, 20-8-117
  superintendent as, 20-8-113
Gifts to, See **INSTITUTIONS**, **Endowments**, generally
Government, rules for, 20-8-103
Grants to, See **INSTITUTIONS**, **Endowments**, generally
Independent institution, as, 20-8-101
Indian children, admittance, 20-8-107
Indigent children, 20-8-108
Instructor, part-time
  duties, 20-8-118
  recommendation for, 20-8-114
  salary, 20-8-119
  superintendent as, 20-8-113
Local executive board, See **Executive board, local**
Maintenance, rules for, 20-8-103
Moneys, expenditure, 20-8-112
Nonresidents, admittance, 20-8-104, 20-8-107
Objectives, 20-8-102
Property
  general provision, 20-8-111
  vested in school, 20-8-110

DEAF AND BLIND, MONTANA STATE SCHOOL FOR THE (Continued)

Purposes, 20-8-102
Retirement system for employees, See **TEACHERS' RETIREMENT SYSTEM**
Rules for, 20-8-103
School term, 20-8-109
Special education, children requiring — cooperation in discovering, 20-7-404
Staff, compensation and qualifications, 20-8-103
Statewide classification and pay plans, applicability to personnel, 2-18-103
Superintendent
  attendance provisions, 20-8-106
  compensation, 20-8-103
  duties, additional, 20-8-113
  indigent children, duties, 20-8-108
  instructor, part-time, 20-8-113, 20-8-114
  qualifications, 20-8-103
  school term fixed by, 20-8-109
  work done by students, determination, 20-8-102
Superintendent of public instruction, cooperation with, 20-7-404
Supervision, 20-8-101
Suspension or expulsion of students, 20-8-106

DEAF PERSONS

See also **HANDICAPPED PERSONS**

Accommodations, public and housing — rights generally, 49-4-211, 49-4-212, 49-4-214
Audiology and audiologists, See **SPEECH PATHOLOGISTS AND AUDIOLOGISTS**
Court proceedings, See **Interpreters in official proceedings**
Definitions, 49-2-101
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Dogs, hearing
  damage by, owner's liability, 49-4-214
  right to have, 49-4-214
Education for children, See **SCHOOLS, Special education**
Employment
  discrimination prohibited when, 49-4-202
  state policy, 49-4-202
Hearing aid dispensers, See **HEARING AID DISPENSERS**
Hearing clinicians or therapists, See **SPEECH PATHOLOGISTS AND AUDIOLOGISTS**
Hearing dogs, See **Dogs, hearing**
Housing accommodations
  access to, 49-4-212
  rights generally, 49-4-212, 49-4-214
Interpreters in official proceedings
  appointment, 49-4-503, 49-4-505
  compensation and expenses, 49-4-509
  definitions, 49-4-502
  full view, to be in, 49-4-506
  intermediary interpreters
    appointment, 49-4-505
    defined, 49-4-502
  oath, 49-4-508
  policy of state, 49-4-501
  privileged communications, 49-4-511
  qualified interpreters
    appointment, 49-4-503
    defined, 49-4-502
    preliminary determination, 49-4-504
  requests for, coordination, 49-4-507
  waiver when, 49-4-510
Montana State School for the Deaf and Blind, See **DEAF AND BLIND, MONTANA STATE SCHOOL FOR THE**

DEAF PERSONS (Continued)

Occupational deafness, compensation, See **WORKERS' COMPENSATION**
Official proceedings, See **Interpreters in official proceedings**
Penalty for violation of rights, 49-4-215
Policy of state, 49-4-202
Public places and accommodations, rights generally, 49-4-211, 49-4-214
Rights generally, 49-4-211
  penalty for denial or interference with, 49-4-215
School for, See **DEAF AND BLIND, MONTANA STATE SCHOOL FOR THE**
Special education for children, See **SCHOOLS, Special education**
Transportation, public — rights generally, 49-4-211, 49-4-214

DEATH

  See also **CORPSES; ESTATES AND PROBATE PROCEEDINGS**

Accidental, insurance against, See generally **INSURANCE — CASUALTY; INSURANCE — DISABILITY; INSURANCE — LIFE**
Actions, effect on, See also **CIVIL PROCEDURE, Survival of action**
  attorney, 37-61-405; Title 25, chapter 21, M.R.App.Civ.P., Rule 4
  evidence, effect on, See **EVIDENCE**
  party
    appeal, Title 25, chapter 21, M.R.App.Civ.P., Rules 4, 37
    arbitration, effect on, 27-2-405
    arrest, exoneration of sureties, 27-16-505
    attachment, effect, 27-18-308
    attorney's authority, effect on, 37-61-401
    counterclaim, effect, 27-1-502, 27-2-408
    defense, survival, 27-1-501
    execution, 25-13-103
    statutes of limitation, effect, 27-2-304, 27-2-401, 27-2-404, 27-2-405, 27-2-407, 27-2-408
    substitution upon, Title 25, chapter 20, M.R.Civ.P., Rule 25(a)
    survival of action, 27-1-501
    verdict, after, 25-9-103
  reporter, 25-11-102
  witness, Title 25, chapter 20, M.R.Civ.P., Rule 32(a); Title 26, chapter 10, M.R.Ev., Rule 804
Agency, termination by, 28-10-801, 28-10-802
Agricultural marketing associations, bylaws regarding death of member, 35-17-206
Anatomical gifts, See **ESTATES AND PROBATE PROCEEDINGS, Anatomical gifts**
Autopsies, See **AUTOPSIES**
Bank customer, 30-4-405
Benefits, See specific retirement system; See also specific insurance category; **BENEVOLENT ASSOCIATIONS**, generally; **FRATERNAL BENEFIT SOCIETIES**
Benevolent associations, benefits, See **BENEVOLENT ASSOCIATIONS**, generally
Burial, See **CEMETERIES; FUNERALS AND FUNERAL EXPENSES**
Cadavers, 50-21-101, 50-21-102
Casualty insurance, See generally **INSURANCE — CASUALTY**
Cause of death
  autopsies, See **AUTOPSIES**
  cemetery records, statement in, 35-20-209
  coroner's register, report in, 46-4-207
  report by medical examiner, 44-3-213
Cemeteries, See **CEMETERIES**
Cemetery association trustee, 35-20-305, 35-20-306
Certificate, See **VITAL STATISTICS**
Coal mine, in, 50-73-308, 50-73-410 — 50-73-412
Columbariums, See **MAUSOLEUMS AND COLUMBARIUMS**
Concealment unlawful, 44-3-404
Contract party, revocation, 28-2-512
Coroner, report to when, 46-4-102, See **COUNTY CORONER, Corpses; CRIMINAL PROCEDURE, Inquests; FORFNSIC SCIENCE, Corpses**
Corporate shareholder, 35-1-506

DEATH (Continued)

Cremation, See **MAUSOLEUMS AND COLUMBARIUMS**
Criminal cause of death
  compensation, See **CRIME VICTIMS REPARATION**
  coroner, report to, 46-4-102, 46-4-207, See also **COUNTY CORONER, Corpses**
  inquest, See **CRIMINAL PROCEDURE, Inquests**
  investigation, See **FORENSIC SCIENCE, Corpses**
Criminal proceedings, effect of death of
  counsel, 46-20-201
  judge, 46-20-304
  parties, 46-20-201, 46-23-305
  witness, 46-15-204
Death-bed statements, Title 26, chapter 10, M.R.Ev., Rule 804
Defined, 50-22-101
Determination, 50-22-101
Disinterment permit, 50-15-114, 50-15-407
Dying declarations, Title 26, chapter 10, M.R.Ev., Rule 804
Elections, effect of death of
  campaign treasurer, 13-37-204
  candidate, 13-10-326, 13-10-327, 13-38-101, 13-38-204
    governor or lieutenant governor, 13-10-328
  elector, 13-2-402
    absentee elector, 13-13-204, 13-13-243
Embalming, See **MORTICIANS AND FUNERAL DIRECTORS**
Evidence, effect, See **EVIDENCE**
Execution, death of party, 25-13-103
Fire, cause of death — report to fire marshal, 50-63-203
Fraternal benefit societies, benefits, See **FRATERNAL BENEFIT SOCIETIES**
Funeral directors, See **MORTICIANS AND FUNERAL DIRECTORS**
Funerals, See **FUNERALS AND FUNERAL EXPENSES**
Gifts in view of, See **PERSONAL PROPERTY**
Hazardous substances, investigation when caused by, 50-30-106
Hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Income tax
  property tax relief claimant, 15-30-174
  spouse, of, 15-30-112, 15-30-134
Infant, information to department of health and environmental sciences, 50-16-102
Inquests, See **CRIMINAL PROCEDURE**
Insurance
  accidental death, against, See generally **INSURANCE — CASUALTY; INSURANCE — DISABILITY; INSURANCE — LIFE**
  agents, 33-17-216
  professional liability, See **INSURANCE — CASUALTY**
Liability insurance, See generally **INSURANCE — CASUALTY**
Life insurance, See **INSURANCE — LIFE**
Mausoleums, See **MAUSOLEUMS AND COLUMBARIUMS**
Mining conditions likely to cause, 50-72-204, 50-73-412
Morticians, See **MORTICIANS AND FUNERAL DIRECTORS**
Organ donation, See **ESTATES AND PROBATE PROCEEDINGS, Anatomical gifts**
Partition proceedings, effect, 70-29-113, 70-29-212
Partnerships, of partner, See **LIMITED PARTNERSHIPS; PARTNERSHIPS**
Presumption of, 26-1-602, 26-1-621 — 26-1-623, 72-1-108
Product defect or hazard, investigation when caused by, 50-30-106
Professional liability insurance, See **INSURANCE — CASUALTY, Professional liability**
Property
  causa mortis gifts, See **PERSONAL PROPERTY, Gifts**
  disposition, See **ESTATES AND PROBATE PROCEEDINGS**
  partition proceedings, effect, 70-29-113, 70-29-212
  quieting title by heirs of deceased entrymen, See **QUIETING TITLE**
  rental agreements, termination by, 70-1-608
Public officers, 2-16-501
Public utility operations, from accidents occurring in, 69-3-107

DEATH (Continued)

Railroads
  accidents resulting in, 69-14-112
  employees, 69-14-1006
Recording, See **VITAL STATISTICS**
Rental agreements, termination by, 70-1-608
Report to coroner, 46-4-102
Salaries and wages, liens for — death of employer, 71-3-302
Securities fraud, survival of action, 30-10-307
Simultaneous death, 72-2-205
  joint tenancy, effect, 70-1-309
Suspicious, See **FORENSIC SCIENCE, Corpses**
Transplants, See **ESTATES AND PROBATE PROCEEDINGS**, **Anatomical gifts**
Transportation of bodies, 50-1-202, 50-15-114
Unclaimed bodies, cadavers, 50-21-101, 50-21-102
Utility operations, from accidents occurring in, 69-3-107
Vital statistics, See **VITAL STATISTICS**
Witnesses, Title 25, chapter 20, M.R.Civ.P., Rule 32(a); Title 26, chapter 10, M.R.Ev., Rule 804
Wrongful death, See **WRONGFUL DEATH**

DEATH PENALTY

Aggravating circumstances
  determination, 46-18-310
  effect, 46-18-305
  enumerated, 46-18-303
Appeal, See **APPEALS, CRIMINAL**
Bail unavailable on offense punishable by, 46-9-102, 46-30-303
Clergy may be present, 46-19-103
Data to supreme court, 46-18-604
Date of execution, 46-19-103
  pregnancy of defendant, 46-19-204
Death warrant, See **Warrant**
Execution
  commitment to custody of county sheriff, 46-19-101
  justifiable use of force, as, 45-3-109
  method, 46-19-103
  stay, 46-19-103, 46-20-204
  suspension, See **Suspension of execution**
Extradition proceedings, effect, 46-30-301, 46-30-303
Family may be present, 46-19-103
Findings of fact, 46-18-306, 46-18-310
Hanging, death by, 46-19-103
Hearing, See **Sentencing hearing**
Homicide, deliberate, 45-5-102, 46-18-303
Jury
  challenges for cause, conscientious objection of juror, 46-16-304
  challenges, peremptory — number, 46-16-305
Justifiable use of force in execution, 45-3-109
Kidnapping, aggravated, 45-5-303, 46-18-303
Mental fitness, suspension of execution for, 46-19-201, 46-19-202
Minors
  mitigating circumstance when offense committed by, 46-18-304
  observance by, prohibited, 46-19-103
Mitigating circumstances
  determination, 46-18-310
  effect, 46-18-305
  enumerated, 46-18-304
Parole, ineligible, 46-23-201
Peace officers, may be present, 46-19-103
Physicians
  attendance by, 46-19-103
  pregnancy of defendant, determination, 46-19-203

DEATH PENALTY (Continued)

Place of execution, 46-19-103
Pregnancy, suspension of execution for, 46-19-203, 46-19-204
Review
    advancement on court calendar, 46-18-308
    automatic, 46-18-307, 46-18-308
    consolidation with appeal, 46-18-308
    decision, criteria, 46-18-310
    precedence, 46-18-308
    rules, 46-18-308
    time, 46-18-308
    transmittal of record, 46-18-309
Sentencing hearing
    aggravating circumstances, See **Aggravating circumstances**
    conduct, 46-18-301
    evidence, 46-18-302
    mitigating circumstances, See **Mitigating circumstances**
    purpose, 46-18-301
    rules of evidence inapplicable, 46-18-302; Title 26, chapter 10, M.R.Ev., Rule 101
    when, 46-18-301
Statistical data to supreme court, 46-18-604
Stay of execution, 46-19-103, 46-20-204
Suspension of execution
    mental fitness, for lack, 46-19-201, 46-19-202
    pregnancy of defendant, for, 46-19-203, 46-19-204
Time of execution, 46-19-103
Warrant
    pregnancy, issuance on termination, 46-19-204
    return, 46-19-103
Witnesses
    attendance, 46-19-103
    pregnancy of defendant, at inquiry, 46-19-203

DEBT ADJUSTING

See **DEBTS, DEBTORS, AND CREDITORS**

DEBT COLLECTION SERVICE

See **DEBTS, DEBTORS, AND CREDITORS**, **Debt adjusting**; **STATE DEBT COLLECTION SERVICE**

DEBTS, DEBTORS, AND CREDITORS

See also **CREDIT TRANSACTIONS**; **OBLIGATIONS**, generally

Adjustment of debts, See **Debt adjusting**
Agricultural associations, indebtedness of, See **AGRICULTURAL ASSOCIATIONS**
Agricultural marketing association, effect of merger or consolidation, 35-17-505
Appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
Assignment for benefit of creditors
    accounting
        approval, 31-2-224
        bond, 31-2-219
        creditor's petition, 31-2-226
        discharge of assignee, 31-2-220
        final accounting, 31-2-220, 31-2-222, 31-2-223
        removal of assignee, 31-2-220
        when, 31-2-226
    acknowledgement, 31-2-210
    affidavits, 31-2-210, 31-2-214
    allowable when, 31-2-201, 31-2-204

DEBTS, DEBTORS, AND CREDITORS (Continued)

Assignment for benefit of creditors (Continued)
- arrest, 31-2-220
- assignee
  - accounting, 31-2-219, 31-2-220, 31-2-222 — 31-2-224, 31-2-226
  - bond, 31-2-219, 31-2-220, 31-2-225
  - compensation, 31-2-228
  - discharge, 31-2-220, 31-2-224
  - duties generally, 31-2-223
  - fiduciary, as, 32-1-425
  - incompetency, 31-2-220
  - inventory duties, 31-2-214
  - liability, 31-2-229
  - misconduct, 31-2-220
  - notice to creditors, 31-2-221
  - partnership dissolution, rights, 35-10-612
  - removal, 31-2-214, 31-2-220
  - rights, 31-2-212
- bond
  - cancellation, 31-2-220
  - filing, 31-2-219
  - further security, 31-2-225
  - new assignee, 31-2-220
  - provisional, 31-2-220
  - required, 31-2-219
- bulk transfers, exclusion, 30-6-103
- cancellation, 31-2-230
- child support debts, See **CHILD SUPPORT**, **Administrative enforcement**, assignment of earnings
- claims of creditors, notice to present, 31-2-221
- contempt, 31-2-214
- conversion of property, 31-2-220
- corporate shares, liability of assignee, 35-1-510
- disposal of property, 31-2-220
- district court
  - accounting before, 31-2-226
  - bond, amount fixed by, 31-2-219
  - inventory to, 31-2-220, 31-2-214
  - notice to creditors and interested parties, 31-2-221, 31-2-222
  - powers generally, 31-2-224
  - security, require further, 31-2-225
- examination of records by creditor, 31-2-214
- exemptions, 31-2-203, 31-2-227
- fiduciary, assignee as, 32-1-425
- final report, 31-2-223, 31-2-224
- fish and wildlife license agents, assets and estate, 87-2-902
- formal requirements, 31-2-210
- injunction, 31-2-220
- "insolvency" defined, 31-2-202
- inventory
  - amendment, 31-2-220
  - assignee to make when, 31-2-214
  - bond filed with, 31-2-219
  - contents, 31-2-213
  - correction, 31-2-220
  - failure to make, 31-2-214, 31-2-220
  - filing, 31-2-213 — 31-2-216, 31-2-219
  - required, 31-2-213
  - supplemental, 31-2-220
  - verification, 31-2-214
- joint debtors, 31-2-208, 31-2-216
- lien creditor, creditor as, 30-9-301
- life insurance exempt, 31-2-227

DEBTS, DEBTORS, AND CREDITORS (Continued)

Assignment for benefit of creditors (Continued)
  modification, 31-2-230
  mortgage, debt secured by, 71-1-110
  multiple assignors, 31-2-208, 31-2-216
  notice to creditors, 31-2-221, 31-2-222, 31-2-224
  partnership
    authority, 35-10-301
    dissolution, assignee's rights, 35-10-612
  preference in assignment
    absolute, 31-2-206
    conditional, 31-2-209
    contingent, 31-2-209
    joint creditors, 31-2-208
    revocation, not permitted, 31-2-206, 31-2-209
    rights not affected, 31-2-207
    wages, 31-2-205, 71-3-301
  priority, 31-2-205, 31-2-207, 71-3-301
  real property, 31-2-218
  recording, 31-2-210, 31-2-215 — 31-2-218, 70-21-202
  security, further required, 31-2-225
  separate debts, 31-2-208
  transfers not affected, 31-2-203
  voidness, 31-2-209, 31-2-211, 31-2-217, 31-2-229
  wages, preferred claims, 31-2-205, 71-3-301
  writing required, 31-2-210
Attachment, subject to, 27-18-102, See **ATTACHMENT OF PROPERTY**
Bankruptcy, See **BANKRUPTCY**
Banks and trust companies
  bad debts, See **BANKS AND TRUST COMPANIES**, **Bad debts**
  creditors' claims, See **BANKS AND TRUST COMPANIES**, **Liquidation**
  indebtedness of, See **BANKS AND TRUST COMPANIES**, **Impairment; Indebtedness of; Insolvency**
  loans, See **BANKS AND TRUST COMPANIES**, **Loans**
Building and loan associations
  indebtedness of, See **BUILDING AND LOAN ASSOCIATIONS**, **Indebtedness of; Liquidation**
  loans by, See **BUILDING AND LOAN ASSOCIATIONS**, **Loans**
Bulk transfers, See **BULK TRANSFERS**
Campaign reporting provisions, 13-37-229, 13-37-230
Child support debts, See **CHILD SUPPORT**, **Administrative enforcement**, support debt
Collection agents
  debt adjustment by, 31-3-203
  justices of the peace not permitted to act as, 3-1-602
Compromise by unsealed writing, effect, 1-4-207
Condemnation commissioners, debtor-creditor relationship grounds for exclusion, 70-30-207
Consolidation of debts, See **Debt adjusting**
Consumer loan businesses, See **CONSUMER LOAN BUSINESSES**
Consumer reports, See **CONSUMER PROTECTION**, **Investigation and reporting**
Contracts of debtor valid, 31-2-103
Contribution, See **Joint debtors**
Cooperative association, effect of merger or consolidation, 35-15-505
Corporations
  foreign corporations, 35-1-1002, 35-2-802
  nonprofit corporations, 35-2-107
  of, See **CORPORATIONS**, **Indebtedness**
  religious corporations, 35-3-205
  shares, default in payment, 35-1-603
Counseling, See **Debt adjusting**
Credit life and disability insurance, See **INSURANCE — LIFE**
Creditors
  bulk transfers, rights and duties, See **BULK TRANSFERS**

DEBTS, DEBTORS, AND CREDITORS (Continued)

Creditors (Continued)
  defined, 30-1-201, 31-2-102, 49-2-101
  defrauding, See **Defrauding creditors**
  documents of title, 30-7-504
  order of resort, 31-2-105
  preference, 31-2-104
  relative rights, 31-2-105
Credit ratings and reports, See **CONSUMER PROTECTION**, **Investigation and reporting**
Credit unions
  indebtedness of, See **CREDIT UNIONS**, **Indebtedness of; Liquidation**
  loans, See **CREDIT UNIONS**, **Loans**
Debt adjusting
  definitions, 31-3-201
  eminent domain, assistance to condemnees, 70-31-204
  exemptions, 31-3-203
  penalty, 31-3-202
  prohibited, 31-3-202
Debtor
  contracts valid, 31-2-103
  defined, 31-2-101
Definitions
  creditor, 31-2-102, 49-2-101
  debtor, 31-2-101
  discrimination, relating to, 49-2-101
Defrauding creditors
  arrest for, 27-16-102
  attachment, affidavit that proceeding is not for, 27-18-202
  criminal charges, 45-6-315
  fraudulent conveyances, See **FRAUDULENT CONVEYANCES**
Deposit for exchange, creation of debtor-creditor relationship, 70-6-108
Discriminatory practices prohibited in credit transactions, See **DISCRIMINATION**
Dueling, responsibility for debts of slain person, 27-1-223
Election campaign reporting provisions, 13-37-229, 13-37-230
Eminent domain
  condemnation commissioners — debtor-creditor relationship grounds for exclusion, 70-30-207
  management services to condemnees, 70-31-204
Estates, claims against, See **ESTATES AND PROBATE PROCEEDINGS**, **Creditors' claims**
Evidence
  credit of third person, 28-2-903
  debt presumed by payment, 26-1-602
Execution, See **EXECUTION**
Finance companies, See **CONSUMER LOAN BUSINESSES**, generally
Foreign corporations, power to incur and collect debts, 35-1-1002, 35-2-802
Fraudulent conveyances, See **FRAUDULENT CONVEYANCES**
Gambling debts, action to recover, 23-5-131 — 23-5-135, 23-5-141
  not maintainable when, 23-5-314, 23-5-417, 23-5-505
Group life insurance, See **INSURANCE — LIFE**; **Group life**; **Groups and group requirements**
Guaranty, See **GUARANTY**
Husband and wife, See **HUSBAND AND WIFE**, **Debts of spouses**
Income tax as personal debt, 15-30-141
Indemnity, See **INDEMNITY**
Insolvency, See **INSOLVENCY**
Insurance
  credit, See **INSURANCE — CASUALTY**, generally
  credit life and disability, See **INSURANCE — LIFE**
  group life, See **INSURANCE — LIFE**; **Group life**; **Groups and group requirements**

DEBTS, DEBTORS, AND CREDITORS (Continued)

Insurers
  rehabilitation or liquidation, claims, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Claims; Creditors**
  restrictions regarding, 33-18-501
Investigators, private — nonapplicability of licensing provisions, 37-60-105
Joint debtors, See also **OBLIGATIONS, Joint obligations**
  contribution from, right to, 25-13-104, 28-1-303
  execution, See **EXECUTION**
  judgment against, See **JUDGMENTS AND DECREES**
Judgment against debtor, See **JUDGMENTS AND DECREES**, generally
Juror, debtor-creditor relationship grounds for challenge, 25-7-223, 46-16-304
Liens, See **LIENS**
Life insurance, group, See **INSURANCE — LIFE, Group life; Groups and group requirements**
Limited partnerships
  bankruptcy of general partner, 35-12-802
  creditors' rights, See **LIMITED PARTNERSHIPS**
Loan companies, See **CONSUMER LOAN BUSINESSES**, generally
Loans, See **LOANS**
Management of debts, See **Debt adjusting**
Married persons, See **HUSBAND AND WIFE, Debts of spouses**
Mortgages, See **MORTGAGES**
Obligations, See **OBLIGATIONS**
Partnerships, See **PARTNERSHIPS, Bankruptcy; Property and property rights**
Pawnbrokers, See **PAWNBROKERS AND JUNK DEALERS**
Performance, See **OBLIGATIONS**
Pledges, See **PLEDGES**
Political committees, reporting, 13-37-229, 13-37-230
Preference of creditors, 31-2-104
Presumption of debt, 26-1-602
Priority of creditors, 31-2-104, 31-2-105
Private investigators, nonapplicability of licensing provisions, 37-60-105
Public assistance, debt created by — statute of limitations, 27-2-211
Receivers, appointment, 27-20-102, See **RECEIVERS**
Release of debtor by creditor, See **OBLIGATIONS**
Renewable resource development programs, creation of debt authorized, 90-2-101, 90-2-127
Savings and loan associations, See **BUILDING AND LOAN ASSOCIATIONS, Indebtedness of; Liquidation; Loans**
Security, See **SECURITY; SECURED TRANSACTIONS**
Service by publication, Title 25, chapter 20, M.R.Civ.P., Rule 4D
Settlement by unsealed writing, effect, 1-4-207
Sheriff's sale, See **ATTACHMENT OF PROPERTY, Sale of property; EXECUTION, Sale of property**
Small Tract Financing Act of Montana, Title 71, chapter 1, part 3, See **TRUST INDENTURES**, generally
Spouses, See **HUSBAND AND WIFE, Debts of spouses**
Statutes of limitation on, 27-2-211, 27-2-409
Suretyship, See **GUARANTY; SURETYSHIP AND SURETIES**
Taxes
  evidence of indebtedness, assessment, 15-8-301
  income tax as personal debt, 15-30-141
Trust indentures, See **TRUST INDENTURES**
Utilities, rural cooperatives
  member, nonliability, 35-18-302
  merger or consolidation, effect, 35-18-403
Wage brokers, Title 31, chapter 1, part 3, See **LOANS**
Warranty, See **GUARANTY**
Wrongful death, responsibility for debts of decedent, 27-1-223

DECEDENTS' ESTATES

  See **ESTATES AND PROBATE PROCEEDINGS**

DECEPTIVE PRACTICES

See **CRIMES, Deceptive practices; False pretenses and fraud; TRADE REGULATION AND COMPETITION, Unfair practices**; See also **INSURANCE — CASUALTY**, generally

DECLARATION OF INDEPENDENCE

See ANNOTATIONS TO MONTANA CODE ANNOTATED, Vol. I, for text

Publication with Montana Code Annotated, 1-11-204

DECLARATORY JUDGMENTS ACT, UNIFORM, Title 27, chapter 8

See **JUDGMENTS AND DECREES, Declaratory**

DECREES

See **JUDGMENTS AND DECREES**

DEEDS AND CONVEYANCES

See also generally **CONTRACTS; INSTRUMENTS**

Abstract
- defined as instrument, 70-21-101
- recording, effect, 70-21-305

Acknowledgments
- certification, 1-5-416, 3-1-404, 3-1-405, 70-21-203
- defeasance, instrument of, 71-1-209
- defect, 70-21-309
- judge or justice's power to take and certify, 3-1-404, 3-1-405
- judgments, not required, 70-21-205
- letters patent, not required, 70-21-207
- married person
  - conveyance by, 70-20-106
  - power of attorney by, 70-20-107
- preexisting deeds, validation, 70-20-315
- recording, required for, 70-21-203, 70-21-209
- revocation, instrument of, 70-21-308
- validation of unacknowledged deeds, 70-20-315

Acquisition of property by, 70-1-110

Adverse possession — ousted owner, transfer by, 70-20-309, See also **REAL PROPERTY, Adverse possession**

After-acquired title
- fee simple interest, 70-20-302
- notice, effect on, 70-21-303

Agent, execution by, 70-20-108

Alienation, conveyance by, 70-21-301, See **PROPERTY**

All property subject to, 70-1-503

Ambiguity, 70-20-202

Appeal from court order for, Title 25, chapter 21, M.R.App.Civ.P., Rule 1

Applicability of laws
- contract law, 70-1-502, 70-1-513
- execution, 70-21-206

Assignment for the benefit of creditors, See **DEBTS, DEBTORS, AND CREDITORS**

Attorney-in-fact, See **Powers of attorney**

Bailee, sale by, 70-6-412

Bona fide purchaser, effect of conveyance, 70-20-303, 70-20-304, 70-21-304

Breach of agreement
- damages, 27-1-314, 27-1-315, 27-1-419
- specific performance, 27-1-419, 27-1-420

Cancellation of grant, effect, 70-20-110

DEEDS AND CONVEYANCES (Continued)

Collateral warranties, abolishment, 70-20-306
Conclusive, grant is, 70-20-303, 70-20-304
Condemnation, See **EMINENT DOMAIN**
Conditions
  defeasance by performance, 71-1-209
  delivery of grant, effect, 70-1-510, 70-1-511
  precedent, 70-20-312
  stranger, benefit may inure to, 70-1-521
  subsequent, 70-20-311
  third parties, benefit may inure to, 70-1-521
  trusts, when conditions absent, 70-21-307
Condominiums, See **CONDOMINIUMS**
Conservation easements, conveyance, See **OPEN-SPACE LANDS**
Consideration not required, 70-1-502
Construction of grant
  ambiguity, 70-20-202
  applicability of laws, 70-1-513
  clear limitations control, 70-1-514
  contract law, applicability, 70-1-513
  description of property, 70-20-201
  extrinsic evidence, 28-2-905, 70-20-202
  grantee, in favor of, 70-1-516
  heirs and issue, meaning, 70-1-518
  irreconcilable provisions, 70-1-517
  parol evidence, 28-2-905, 70-20-202
  private party, in favor of, 70-1-516
  recitals, resort to, 70-1-515
Constructive notice, See **Notice**
Contract law, applicability of laws, 70-1-502, 70-1-513
"Conveyance" defined, 70-21-301
Coordinate system, use not required, 70-22-209
County clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
Court order for
  appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  enforcement, 25-8-102; Title 25, chapter 20, M.R.Civ.P., Rule 70
  recording return of sale under, 70-21-206
Covenants
  against encumbrance, implied, 70-20-304, 70-20-305
  breach, damages, 27-1-316
  implied, 70-20-304
  stranger, benefit may inure to, 70-1-521
  third parties, benefit may inure to, 70-1-521
  warranties, 70-20-304, 70-20-306
Declaratory judgments, availability, 27-8-202
Defeasance, recording required, 71-1-209
Defect
  construction, effect, 70-20-202
  execution sale, effect, 25-13-714
  recording, in, 70-21-309, 70-21-310
Definitions
  agreement, 70-20-202
  conveyance, 70-21-301
  encumbrance, 70-20-305
  grant, 70-1-507
  instrument, 70-21-101
  transfer, 70-1-501
Delivery of grant
  absolute, necessarily, 70-1-510
  constructive, 70-1-512
  effect, 70-1-510
  enforcement, Title 25, chapter 20, M.R.Civ.P., Rule 70
  escrow, 70-1-511

DEEDS AND CONVEYANCES (Continued)

Delivery of grant (Continued)
  presumption, 70-1-509
  required, 70-1-508
Description of property
  construction, 70-20-201
  coordinate system, use not required, 70-22-209
  form, 70-20-103
Dower, effect when deeds prior to 1900, 70-20-316, See also **ESTATES AND PROBATE PROCEEDINGS, Dower**
Easements pass with property, 70-20-308
Eminent domain, See **EMINENT DOMAIN**
Encumbrance
  defined, 70-20-305
  implied covenant against, 70-20-304
Entry townsite lands, 70-28-304, See **QUIETING TITLE, Entry townsite lands**
Escheat, See **ESTATES AND PROBATE PROCEEDINGS**
Essentials of grant, presumption of inclusion, 1-3-213
Estates at will, writing not required, 70-20-101
Evidence
  address of grantee, effect of omission, 70-21-310
  breach of agreement, presumption regarding damages as relief, 27-1-419
  conclusive, grant as, 70-20-303
  delivery, presumption, 70-1-509
  essentials of grant, presumption of inclusion, 1-3-213
  execution, defect — effect, 70-21-309
  extrinsic evidence, 28-2-905, 70-20-202
  federal instruments, 70-21-207
  fee simple, presumption of passing, 70-20-301
  fiduciary, presumption of conveyance, 26-1-602
  hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  letters patent, copy of transcript, 70-21-207
  parol evidence, 28-2-905, 70-20-202
  presumption of transfer, 26-1-602
  recording
    effect, 70-21-309, 70-21-310
    presumption, 70-21-209
  removal of records which are, 70-21-104
  unacknowledged deeds, when validated, 70-20-315
  wife, presumption grantor had none, 70-20-316
Execution of instrument
  attorney-in-fact, by, 70-20-108
  enforcement of judgment, Title 25, chapter 20, M.R.Civ.P., Rule 70
  execution sale, at, 25-13-811
  homesteads, conveyance of, 70-32-301
Execution sale, 25-13-714, 25-13-810, 25-13-811
Federal instruments, recording, 70-21-207
Federal lands, 77-1-211
Fee simple
  after-acquired title, 70-20-302
  defeasance, recording required, 71-1-209
  implied covenants, 70-20-304
  inheritance or succession, words of unnecessary, 70-20-104
  presumption of passing, 70-20-301
  recording to be separate, 70-21-211
Filing of grant, See **Recording of transaction**
Fish, Wildlife, and Parks — Department of, land and water sales, 87-1-209
Fraternal benefit societies, effect of consolidations or mergers, 33-7-212
Fraudulent conveyances, See **FRAUDULENT CONVEYANCES**
Fur bearing animals, 70-2-113
Future interest, transfer, 70-1-326
Gifts
  causa mortis, See **PERSONAL PROPERTY, Gifts**

DEEDS AND CONVEYANCES (Continued)

Gifts (Continued)
  estates, to, See **PROPERTY**
  inter vivos, See **PERSONAL PROPERTY, Gifts**
  minors, to, See **MINORS, Gifts**
Goods, severance from real property, 30-2-107
Goodwill of business, 30-13-122
"Grant" defined, 70-1-507, See this main category generally
Heirs and issue, construction of term, 70-1-518
Highways, conveyance of land bounded by, 70-20-307
Highways, Department of — land sold by, 60-4-207
Homesteads, 70-32-301
Implied covenants, 70-20-304
Incapacity of party, rescission, 28-2-203
Incidents, transfer, 70-1-520
Inheritance, words of not required, 70-20-104
"Instrument" defined, 70-21-101
Insurance against loss or damage to, See **SURETYSHIP AND SURETIES**, generally
Insurers
  assets and securities deposited, conveyance, 33-2-606
  liquidators, power concerning, 33-2-1345
Interpretation, See **Construction of grant**
Inventions, 30-13-133
Investments, Board of — execution by, 17-6-201
Irreconcilable provisions, which prevails, 70-1-517
Joint tenancy
  creation in, 70-1-307, 70-20-105
  right of survivorship, 70-20-310
Justice of the peace not permitted to draw, 3-1-602
Kinds of property which may be transferred, 70-1-503
Laws applicable, See **Applicability of laws**
Letters patent, recording, 70-21-207
Lien for purchase price, See **LIENS, Real estate liens**
Life estate, grant by owner, 70-20-313
Limitations, controlling words, 70-1-514
Lineal warranties, abolishment, 70-20-306
Loan for exchange, transfer by, 70-7-203
Loan for use does not transfer title, 70-7-103
Married persons, conveyances by
  acknowledgments, 1-5-206, 70-20-106
  capacity, 40-2-202
  effect, 1-5-206
  power of attorney, 40-2-202, 70-20-107, See also **REAL PROPERTY, Powers of attorney**
  preexisting deeds, presumption that grantee had no wife, 70-20-316
Minors, capacity to make and disaffirm, 41-1-302
Mistake, See **Defect**
Mortgages, See **MORTGAGES**
Name change of owner, 70-20-109
Notaries public, certification by, 1-5-416
Notice, recording as constructive notice, 70-21-302
  address of grantee, effect of omission, 70-21-310
  after-acquired interest, 70-21-303
  execution, effect of defect, 70-21-309
  judgments, 70-21-306
  trustees, when powers not specifically limited, 70-21-307
  unrecorded instruments, 70-21-102
Notice to tenants, 70-20-314
Occupancy
  adverse possession, See **REAL PROPERTY, Adverse possession**
  simple occupancy, effect, 70-19-406
  tenant, by, See **LANDLORD AND TENANT, Conveyance of property**
Open-space lands, conveyance, 76-6-108

DEEDS AND CONVEYANCES (Continued)

Oral transfer, 70-1-506
Parol evidence rule, 28-2-905, 70-20-202
Partition, See **PARTITION**
Partnership property, 35-10-203
Personal property, breach of agreement, 27-1-419
Pledges, See **PLEDGES**
Possibility, conveyance prohibited, 70-1-504
Powers of attorney, See also **REAL PROPERTY**, **Powers of attorney**
  execution by, 70-20-108
  married persons, of, 40-2-202, 70-20-107
  revocation, 70-21-308
Preexisting conveyances
  address of grantee, omission, 70-21-310
  execution, defect, 70-21-309
  validation, 70-20-315, 70-21-309, 70-21-310
  wife, presumption grantor had none, 70-20-316
Presumptions, See **Evidence**
Proof, See **Acknowledgments**
Quieting title, See **QUIETING TITLE**
Race to the courthouse, 70-20-303, 70-21-304
Railroad corporations, 69-14-507, 69-14-553
Recitals, resort to, 70-1-515
Recording of transaction
  abstract, effect, 70-21-101, 70-21-305
  acknowledgment prerequisite, 70-21-203, 70-21-209
    defects, validation after, 70-21-309
    federal conveyances, unnecessary, 70-21-207
    judgments, unnecessary for, 70-21-205
    letters patent not required, 70-21-207
    revocation of power of attorney, 70-21-308
  after-acquired interests, effect on notice, 70-21-303
  applicability of laws, 70-21-202, 70-21-206
  assignment for benefit of creditors, See **DEBTS, DEBTORS, AND CREDITORS**
  books to be separate, 70-21-211
  certificate of transfer required, 15-7-305
  certification of acknowledgments required, 70-21-203
  condominium common expenses, claim for, 70-23-607
  "conveyance" defined, 70-21-301
  county clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
  county of recording, 70-21-201, 70-21-208, 70-21-302
  defeasance, 71-1-209
  defects, validation of recording after, 70-21-309, 70-21-310
  effect, 70-21-302
    after-acquired interest, 70-21-303
    copies recorded in other counties, 70-21-302
    first recorded, 70-20-303, 70-21-304
  federal instruments, 70-21-207
  fees, 70-21-210
  filing, 70-21-209
  first recorded voids subsequent recordings, 70-20-303, 70-21-304
  handwriting, instrument proved by, 70-21-204
  hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  in another county, 70-21-201, 70-21-302
  "instrument" defined, 70-21-101
  judgments, See **JUDGMENTS AND DECREES**, **Property**
  letters patent, 70-21-207
  mortgages, See **MORTGAGES**
  notice by, 70-21-302, See **Notice**
  partition sales, 70-29-310, 70-29-311
  powers of attorney, revocation, 70-21-308
  preexisting recordings, validation, 70-21-309, 70-21-310
  race to the courthouse, 70-20-303, 70-21-304

DEEDS AND CONVEYANCES (Continued)

Recording of transaction (Continued)
  removal of record from recording office, 70-21-104
  requirements, 70-21-209
  return of sale under court decree, 70-21-206
  scope of provisions, 70-21-201
  securities, recording book to be separate, 70-21-211
  state instruments, 70-21-207
  trust, transfers in, 70-21-202, 70-21-307
  unrecorded instruments, See **Unrecorded instruments**
  validation when recording after defects, 70-21-309, 70-21-310
  what may be recorded, 70-21-201
  where instrument may be recorded, 70-21-201, 70-21-208, 70-21-302
Redelivery of grant, effect, 70-20-110
Reentry, transfer of right, 70-1-505
Rental property, See **LANDLORD AND TENANT, Conveyance**
Repossession, transfer of right, 70-1-505
Revenue, Department of — report to, See **TAXATION, Property taxes**, real property, specific provisions, transfer information
"Sale" defined, 30-11-101, See also **REAL PROPERTY, Sales; SALES**
School land acquired by, repossession, 20-6-605
Securities, by fiduciary, See **SECURITIES AND SECURITY REGULATION, Fiduciary transfers**
Sheriff's sale, See **Execution sale**
Small Tract Financing Act of Montana, Title 71, chapter 1, part 3, See **TRUST INDENTURES**, generally
Spouses, See **Married persons**
State lands, See **STATE LANDS**
Statute of frauds, 70-20-101, 70-20-102
Statutes applicable, See **Applicability of laws**
Storage, sale for expenses vests title, 70-6-412
Stranger, benefits may inure to, 70-1-521
Subdivisions, concerning, See **SUBDIVISIONS, Conveyances**
Succession, words of not necessary, 70-20-104
Successors in interest, obligations enforced against, 27-1-421
Surety insurance, See **SURETYSHIP AND SURETIES**, generally
Tax deeds, See **TAXATION**
Tenant, occupancy when, See **LANDLORD AND TENANT, Conveyance**
Things in action, 70-2-102
Third parties, benefits may inure to, 70-1-521
Title vested by, 70-1-519
Trust deeds, 71-1-321, See **MORTGAGES; TRUST INDENTURES**
Trust indentures, See **TRUST INDENTURES**
Trust, transfers in
  conditions, when none provided, 70-21-307
  presumption of performance, 26-1-602
  recording, 70-21-202
Unacknowledged deeds, validation, 70-20-315
Unclaimed property, sale transfers title, 70-9-308
Unrecorded deeds
  title to, 70-21-103
  validity, 70-21-102
Validation
  execution, defect, 70-21-309
  unacknowledged deeds, 70-20-315
Vesting of title, 70-1-519
Warranties, certain warranties abolished, 70-20-306, See also **REAL PROPERTY, Covenants running with the land**
Wife — deeds prior to 1900, presumption that grantee had no wife, 70-20-316, See also **Married persons**
Writing
  "grant" defined, 70-1-507

DEEDS AND CONVEYANCES (Continued)

Writing (Continued)
    oral transfers, 70-1-506
    statute of frauds, 70-20-101, 70-20-102
Years, estate for — transfer by owner, 70-20-313

DEER

See **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**; See also generally **FISH AND WILDLIFE, Bow and arrow; Game animals**

DEER LODGE STATE PRISON

See **PRISON, STATE**

DEFAMATION

Campaigns, political, See **ELECTIONS, Campaign practices**
Consumer reports, in, 31-3-141
Credit reports, in, 31-3-141
Criminal charges, 13-35-234, 45-5-203, 45-8-212
Effected how, 27-1-801
Elections, See **ELECTIONS, Campaign practices**
Insurers, defaming prohibited, 33-18-302
Intimidation, as, 45-5-203
Jurisdiction, justice's court excluded, 3-10-301
Kinds enumerated, 27-1-801
Libel
    defined, 27-1-802
    enumerated, 27-1-801
    political, 13-35-234, See **ELECTIONS, Campaign practices**
Media
    correction
        content, 27-1-820
        defense, as, 27-1-821
        notice of opportunity to correct, 27-1-818, 27-1-819
        opportunity for, required, 27-1-818
        time for, 27-1-819
    defense, 27-1-821
    radio broadcasting
        material broadcast, liability, 27-1-811
        prepared broadcast, liability, 27-1-813
        submission of text prior to broadcast, 27-1-812
    retraction as correction, 27-1-820
Minors, release of medical information concerning — not, 41-1-403
"Privileged communications" defined, 27-1-804
Protection from, personal right, 49-1-101
Radio broadcasting, See **Media**
Slander
    defined, 27-1-803
    enumerated, 27-1-801
    merchandise in full view, merchant liability for requiring, 30-11-302
Statutes of limitation, 27-2-204
Trademarks and service marks, use of defamatory material unregistrable, 30-13-303

DEFAULT

See also **CIVIL PROCEDURE**

Contracts, provision to accept default makes void, 28-2-709
Installment sales, 31-1-235
Secured transactions, See **SECURED TRANSACTIONS**

DEFAULT JUDGMENT

See **JUDGMENTS AND DECREES**

DEFENDANTS

See **CIVIL PROCEDURE, Parties to action; CRIMINAL PROCEDURE**, generally

DEFENSES

See **CIVIL PROCEDURE; CRIMES; CRIMINAL PROCEDURE**

DEFERRED COMPENSATION

Administration, Department of, See also **Administrator**
  advisory council, functions, 19-2-206
  contracts, authorization and rules, 19-2-201
  defined, 19-2-101
  payments authorized, 19-2-203
  plans, administration, 19-2-202
  rules, promulgation, 19-2-102
Administrator
  costs, allocation, 19-2-102
  defined, 19-2-101
  payments authorized, 19-2-203
  plan agreement, establishment, 19-2-102
  plans, administration, 19-2-202
  rules, promulgation, 19-2-102, 19-2-202
Advisory council
  defined, 19-2-101
  functions, 19-2-206
Authority for, 19-2-102
Billing services, 19-2-202
Contracts for, 19-2-201
Contributions, 19-2-202
  use, 19-2-102
Definitions, 19-2-101
Employees
  agreements with, 19-2-102
  defined, 19-2-101
Fund, 19-2-102, 19-2-202
  defined, 19-2-101
Liability of public entity, 19-2-204
Payments authorized, 19-2-203
Payroll deductions, 19-2-202
Plans
  administration, 19-2-202
  establishment, 19-2-102
  rules for, 19-2-201
Political subdivisions, See also **Administrator**
  contracting employer, as, 19-2-201
  defined, 19-2-101
  liability, 19-2-204
  plans, establishment, 19-2-102
Private pension plans, 19-2-102, 19-2-103
Retirement programs
  benefits, computation, 19-2-102
  effect on, 19-2-103
Rules, 19-2-102, 19-2-201, 19-2-202
Tax deferments, 19-2-103, See also **TAXATION, Deferments**

DEFINITIONS USED IN MONTANA CODE ANNOTATED

See specific main categories; **WORDS AND PHRASES**

DEFOLIANTS

See **PESTS AND PESTICIDES**, generally

DEFRAUDING

See **FRAUD**; See also **CRIMES, False pretenses and fraud; Theft**

DELIBERATE HOMICIDE

See **CRIMES, Homicide, criminal**

DELIBERATIONS

See **JURIES AND JURORS**

DELINQUENT CHILDREN

See **MINORS; YOUTH COURT**

DELIVERY

See **BAILMENT AND BAILEES; CIVIL PROCEDURE; CLAIM AND DELIVERY; COMMERCIAL PAPER; DOCUMENTS OF TITLE; EXECUTION; SALES**

DEMURRERS

See **CIVIL PROCEDURE**

DENIALS

See **CIVIL PROCEDURE**

DENOMINATIONAL SCHOOLS

See **PRIVATE SCHOOLS**, generally

DENTAL HYGIENISTS

See **DENTISTRY AND DENTISTS**

DENTAL LABORATORIES AND TECHNICIANS

See **DENTISTRY AND DENTISTS, Laboratories and technicians**

DENTISTRY AND DENTISTS

Acupuncture, practice of — requirements, 37-13-104
Advertising
  fees, publication, 37-4-322
  laboratories, 37-4-502
  professional cards, 37-4-322
  prohibited when, 35-4-103, 35-4-201
Alcohol or related substances, administering, 16-1-203, 16-6-305
Appliances, See **Laboratories and technicians**, generally
Auxiliary personnel, 37-4-408
Board of Dentistry
  allocation, 2-15-1842

DENTISTRY AND DENTISTS (Continued)

Board of Dentistry (Continued)
- auxiliary personnel, rules regarding, 37-4-408
- compensation, 37-4-203
- complaints to, 37-4-323
- composition, 2-15-1842
- defined, 37-4-101
- disciplinary proceedings
  - investigations, 37-4-323 — 37-4-325
  - sanctions
    - imposition, 37-4-323
    - range of, 37-4-321
- expenses, 37-4-203, 37-4-325
- fees set by, 37-4-301, 37-4-303, 37-4-306, 37-4-307, 37-4-402 — 37-4-404, 37-4-406
- funds, 37-4-202, 37-4-203, 37-4-325, 37-4-327
- hearings, 37-4-324, 37-4-325
- hygienists
  - licenses
    - applications, 37-4-402
    - certificates, 37-4-403
    - examinations, 37-4-402
    - fees set by, 37-4-402
    - nonresidents, 37-4-404
    - oral interviews, 37-4-402
    - reciprocity, 37-4-404
    - revocation or suspension, 37-4-406
  - nonresidents, 37-4-404
  - practice of dental hygiene, defining and authorization, 37-4-401
  - reciprocity, 37-4-404
  - renewal fee set by, 37-4-406
  - schools, approval, 37-4-402
  - supervision requirement, 37-4-405
- investigations by, 37-4-323, 37-4-324
- laboratories, forms for work orders, 37-4-501
- licenses and licensing
  - applicants, examination, 37-4-202
  - applications, 37-4-301
    - denied when, 37-4-323
  - certificates, proof of loss and fee for duplicate, 37-4-303
  - examinations, 37-4-301
  - fees, 37-4-301, 37-4-303
  - oral interviews, 37-4-301
  - reciprocal relations, 37-4-306
  - revocation, 37-4-307
- meetings, 37-4-201, 37-4-202
- national association, affiliation, 37-4-204
- oaths administered by, 37-4-201
- officers, 37-4-201
- proceedings, 37-4-202, 37-4-324, 37-4-325
- public representation on, 2-15-1842
- qualifications, 2-15-1842
- quorum, 37-4-202
- reciprocal agreements, 37-4-306, 37-4-404
- records, 37-4-202
- removal from office, 2-15-1842
- renewal fee, 37-4-307
- rules by, 37-4-301, 37-4-321, 37-4-402, 37-4-408
  - violation, 37-4-321
- schools, dental or dental hygiene — recognition, 37-4-302, 37-4-402
- seal, 37-4-201
- students, examinations taken by, 37-4-301
- subpoenas, issuance, 37-4-201, 37-4-324
- termination, 2-8-103

DENTISTRY AND DENTISTS (Continued)

Board of Dentistry (Continued)
  term of office, 2-15-1842
  vacancy in office, 2-15-1842
  witnesses
    attendance, compelling, 37-4-324
    fees and mileage, 37-4-325
    testimony, 37-4-201, 37-4-324
Bridges, See **Laboratories and technicians**, generally
Censure, 37-4-321, 37-4-323
Certificates, See **Licenses and licensing**
Child abuse, reporting of, 41-3-201, 41-3-203, 41-3-204, 41-3-206, 41-3-207
Commerce, Department of
  actions for collection of renewal fees and penalties, 37-4-307, 37-4-406
  board of dentistry
    expenses, 37-4-203
    funds for, 37-4-202, 37-4-203
    meetings, notice required, 37-4-202
    records, 37-4-202
  defined, 37-4-101
  earmarked revenue fund, 37-4-202, 37-4-327
  hygienists
    licenses, issuance, 37-4-402, 37-4-403
    nonresidents, filing of certificates, 37-4-404
    registration, 37-4-403
    renewal fees, 37-4-406
  license certificates
    duplicate, issuance, 37-4-303
    nonresidents, filing, 37-4-306
  records kept by, 37-4-202, 37-4-403
  renewal fees, 37-4-307, 37-4-406
Consultants, private — nonapplicability of provisions, 18-8-103
Cosmetology, applicability of provisions, 37-31-102
Crowns, See **Laboratories and technicians**, generally
Definitions, 37-4-101, 37-4-401, 37-4-405
Dental schools
  certificate of graduation from, required when, 37-4-301
  diplomas, unlawful practices, 37-4-326
  recognition, 37-4-302
Dentures, See **Laboratories and technicians**
Disability insurance, insured's selection of practitioner, 33-22-111
Disciplinary proceedings
  grounds for, 37-4-321
  investigations, 37-4-323
  sanctions
    imposition, 37-4-323
    range of, 37-4-321
Drugs, See also **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**, **Medical practitioners**
  advertising to, 50-31-303
  dispensation, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
  "practitioner" defined, 50-32-101
  precursors to, reporting exemption, 50-32-401
Emergency services for minors, 41-1-405
Equipment
  execution exemption, 25-13-612
  tax classification, 15-6-139
Execution, exemption, 25-13-612
Fees, See **Hygienists**, licenses; **Licenses and licensing**; **Renewal fee**
Good samaritan provisions, 41-1-405
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
Hygienists
  board of dentistry, representation on, 2-15-1842

DENTISTRY AND DENTISTS (Continued)

Hygienists (Continued)
- licenses
  - applications, 37-4-402
  - certificate, 37-4-403, 37-4-404
  - examinations, 37-4-402, 37-4-404
  - fees, 37-4-402 — 37-4-404
  - issuance, 37-4-402, 37-4-403
  - oral interviews, 37-4-402
  - reciprocity, 37-4-404
  - registration, 37-4-403
  - revocation or suspension, 37-4-406
  - temporary, 37-4-404
- nonresidents, 37-4-404
- physicians and surgeons, nonapplicability of provisions, 37-4-406
- practice of dental hygiene, 37-4-401
  - supervision required when, 37-4-405
- practice of dentistry, nonapplicability of provisions, 37-4-103
- reciprocity, 37-4-404
- renewal fee, 37-4-406
- schools of dental hygiene
  - certificate of graduation required, 37-4-402
  - recognition, 37-4-302
- supervision required when, 37-4-405
- violations, 37-4-406
- x-ray radiation, application, See **RADIOLOGY AND RADIOLOGIC TECHNOLOGISTS**, generally

Incompetence, 37-4-321

Incorporation, See **CORPORATIONS**, **Professional service corporations**

Injunction, 37-4-328

Insurance
- disability, insured's selection of practitioner, 33-22-111
- health service corporations, See **HEALTH SERVICE CORPORATIONS**
- information and privacy protection act, Title 33, chapter 19, See **INSURANCE**, **Information and privacy protection**
- professional liability, See **INSURANCE — CASUALTY**, **Professional liability**

Laboratories and technicians
- advertising and solicitation, restrictions, 37-4-502
- dentures, identification, 37-4-503
- practicing dentistry, nonapplicability of provisions, 37-4-103
- work orders, 37-4-501

Licenses and licensing
- absent registered dentists, continuation, 37-4-307
- applicants
  - meetings to examine, 37-4-202
  - qualifications, 37-4-301
- applications, 37-4-301, 37-4-306
  - denied when, 37-4-323
- certificates
  - duplicate and fee, 37-4-303
  - failure to display, 37-4-326
  - fees, 37-4-303
  - lack of, unlawful, 37-4-327, 37-4-328
  - nonresidents, 37-4-306
- discrimination in issuance prohibited, 49-3-204
- examinations, 37-4-301, 37-4-306
  - false statements, 37-4-326
- false statements, 37-4-326
- fees
  - absent registered dentists, continuation, 37-4-307
  - certificate, duplicate, 37-4-303
  - examination, 37-4-301
  - license, 37-4-301

DENTISTRY AND DENTISTS (Continued)

Licenses and licensing (Continued)
  fees (Continued)
    nonresidents, 37-4-306
    reinstatement, 37-4-307
  hygienists, See **Hygienists**
  lack of, unlawful, 37-4-327, 37-4-328
  nonresidents, 37-4-306
  oral interviews, 37-4-301
  reciprocity, 37-4-306
  reinstatement, 37-4-307
  revocation or suspension
    renewal fee, nonpayment, 37-4-307
    sanctions, as, 37-4-321, 37-4-323
Local fees or taxes prohibited, 37-4-307
Malpractice, See **INSURANCE — CASUALTY**, **Professional liability**; **MALPRACTICE, MEDICAL**
Medicaid, See **PUBLIC ASSISTANCE**
Medical records information, See **INSURANCE**, **Information and privacy protection**
Medicine, practice of — applicability of licensing provisions, 37-3-103
Mental incompetence, 37-4-321
Minors, care and consent provisions, Title 41, chapter 1, part 4, See **MINORS**, **Medical care**, generally
Negligence in treatment of minors, liability, 41-1-407
Nonresidents, 37-4-306, 37-4-404
Offices, exclusion as health care facility, 50-5-101
Orthodontic appliances, See **Laboratories and technicians**, generally
Payment for services
  medicaid, See **PUBLIC ASSISTANCE**
  publication of fees, 37-4-322
Pharmacy provisions, exemption, 37-7-103
Physical incompetence, 37-4-321
Physical therapists
  referral to therapists, 37-11-104
  restrictions, 37-11-103
Physicians, nonapplicability of provisions, 37-4-103, 37-4-406
Practicing dentistry
  certificate as entitlement, 37-4-303
  defined, 37-4-101
  evidence of, 37-4-102
  exemptions from, 37-4-103
  false or assumed name, under, 37-4-326
  physical therapists, restrictions, 37-11-103
Probation, 37-4-321, 37-4-323
Professional cards, publication, 37-4-322
Professional liability, See **INSURANCE — CASUALTY; MALPRACTICE, MEDICAL**
Professional service corporations, See **CORPORATIONS**
Prosthetic appliances, See **Laboratories and technicians**, generally
Public health programs, 50-1-202
Records transfer, consent provisions, 50-16-311
Renewal fee, 37-4-307
Sanctions, See **Disciplinary proceedings**
Schools, See **Dental schools**; **Hygienists**, schools of dental hygiene
Students
  examinations taken by, when, 37-4-301
  nonapplicability of provisions, 37-4-103
Surgeons, nonapplicability of provisions, 37-4-103, 37-4-406
Surgical appliances, See **Laboratories and technicians**, generally
Taxation of equipment, 15-6-139
Technicians, See **Laboratories and technicians**
Unprofessional conduct, 37-4-321, 37-4-322
Violations
  certificate, failure to have — penalty, 37-4-327

DENTISTRY AND DENTISTS (Continued)

Violations (Continued)
- disciplinary actions, See **Disciplinary proceedings**
- enumeration, 37-4-326
- fines, 37-4-326, 37-4-327
- hygienists, by, 37-4-406
- injunction, 37-4-328
- jurisdiction, 37-4-328
- prosecution, 37-4-328

Western Regional Higher Education Compact, See **HIGHER EDUCATION**
X-ray radiation, application, See **RADIOLOGY AND RADIOLOGIC TECHNOLOGISTS**, generally

DENTISTRY, BOARD OF

See **DENTISTRY AND DENTISTS**, **Board of Dentistry**

DEPARTMENT HEADS

See **EXECUTIVE BRANCH**; See also generally **IMPEACHMENT**; **PUBLIC OFFICERS**; specific departments

DEPARTMENTS OF GOVERNMENT

See **EXECUTIVE BRANCH**; **STATE AGENCIES**

DEPENDENT CHILDREN

Title 40, chapter 5, part 2, See **CHILD SUPPORT**, **Administrative enforcement**; Title 41, chapter 3, See **MINORS**, **Abused, neglected, and dependent children**; Title 41, chapter 6, See **MINORS**, **Interstate Compact on Juveniles**; See also generally **YOUTH COURT**

DEPOSITIONS

See also **CIVIL PROCEDURE**, **Discovery**

Aged persons, of, 46-15-204; Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
Appeal, pending, Title 25, chapter 20, M.R.Civ.P., Rule 27(b)
Applicability of laws
- criminal proceedings, 46-15-202, 46-15-204
- evidence, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
- execution, Title 25, chapter 20, M.R.Civ.P., Rule 69
- revenue, department of — depositions by, 15-1-301

Association, of, See **Organization**
Attendance, failure, Title 25, chapter 20, M.R.Civ.P., Rules 30(g), 37(d)
Before action, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
Certification, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
- defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
- judge or justice, by, 3-1-404, 3-1-405
- written questions, Title 25, chapter 20, M.R.Civ.P., Rule 31(b)

Changes, Title 25, chapter 20, M.R.Civ.P., Rule 30(e)
Compelled, Title 25, chapter 20, M.R.Civ.P., Rules 37(a), 37(b)
Copies, Title 25, chapter 20, M.R.Civ.P., Rules 30(f), 31(b)
Corporations, of, See **Organization**
Costs, 25-1-201, 25-10-201; Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(d), 30(f), 30(g), 37(d)
- criminal proceedings, 46-15-201, 46-15-203

Counsel
- appointed, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)

DEPOSITIONS (Continued)

Counsel (Continued)
    criminal proceedings
        expenses, 46-15-203
        presence, 46-11-601
    inability to obtain, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
Court
    consent of, Title 25, chapter 20, M.R.Civ.P., Rules 30(a), 30(b), 31(a)
    criminal proceedings
        order for deposition by, 46-15-201
        transmittal by, 46-15-202
    officer to take deposition, appointment, Title 25, chapter 20, M.R.Civ.P., Rules 28(a), 28(b)
    proceedings to perpetuate testimony not excluded, Title 25, chapter 20, M.R.Civ.P., Rule 27(c)
    termination order, Title 25, chapter 20, M.R.Civ.P., Rule 30(d)
Criminal proceedings, testimony taken by, See also **CRIMINAL PROCEDURE, Discovery**
    applicability of laws, 46-15-202, 46-15-204
    confrontation, defendant's right, 46-11-601, 46-15-203
    costs, 46-15-201, 46-15-203
    counsel to be present, 46-11-601
    county attorney to be present, 46-11-601
    defined, 46-15-204
    extension of time, 46-15-202
    filing, 46-15-202
    grand jury, use before, 46-11-314
    habeas corpus, hearings on writ, 46-22-305
    nonresidents, 46-15-201
    notice, 46-11-601, 46-15-201 — 46-15-203
    objections, 46-15-204
    partial introduction, 46-15-204
    time, extension, 46-15-202
    transmittal, 46-15-202
    use, 46-11-601, 46-15-204
    when taken, 46-11-601, 46-15-201
Cross-examination, 1-1-202, 46-15-204; Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 30(c)
Cross-questions, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
Death of witness, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
    criminal proceedings, 46-15-204
Defects, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
Defined, 1-1-202, 46-15-204
Discovery, as method of, Title 25, chapter 20, M.R.Civ.P., Rule 26(a)
Effect of, Title 25, chapter 20, M.R.Civ.P., Rule 32(c)
Endorsement, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
    defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
Examination, Title 25, chapter 20, M.R.Civ.P., Rule 30(c)
    place of examination, See **Place of examination**
Fees
    filing, 25-1-201
    witness, See **WITNESSES, Compensation**
Filing, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
    criminal proceedings, 46-15-202
    defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
    fee, 25-1-201
    notice, Title 25, chapter 20, M.R.Civ.P., Rule 31(c)
    order designating manner, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
    written questions, Title 25, chapter 20, M.R.Civ.P., Rule 31(b)
Foreign jurisdictions, taken
    for, Title 25, chapter 20, M.R.Civ.P., Rules 28(a), 28(d)
    in, 26-1-1004; Title 25, chapter 20, M.R.Civ.P., Rules 28(b), 28(e)
Governmental entity, of, See **Organization**
Grand jury, use before, 46-11-314
Habeas corpus, at hearings on writ, 46-22-305

DEPOSITIONS (Continued)

Illness of witness, Title 25, chapter 20, M.R.Civ.P., Rules 30(e), 32(a)
  criminal proceedings, 46-15-204
Incompetent persons, Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 32(d)
Introduction, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
  criminal proceedings, 46-15-204
Jury, may not take into jury room, 25-7-404, 46-16-504
Justices' courts, in, See **JUSTICES' COURTS**
Local government, of, See **Organization**
Minors, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
Motion for, Title 25, chapter 20, M.R.Civ.P., Rule 27(b)
  criminal proceedings, 46-15-201
Motions, evidence on by deposition, Title 25, chapter 20, M.R.Civ.P., Rule 43(e)
Municipal court, 25-30-101
New trial, decision on — reference to, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
Notice, 1-1-202
  appeal, pending, Title 25, chapter 20, M.R.Civ.P., Rule 27(b)
  attorney, attendance by, Title 25, chapter 20, M.R.Civ.P., Rule 30(g)
  consent of court, Title 25, chapter 20, M.R.Civ.P., Rule 30(a)
  criminal proceedings, 46-11-601, 46-15-201 — 46-15-203
  defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  examination, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
  filing, Title 25, chapter 20, M.R.Civ.P., Rule 30(f), 31(c)
  foreign jurisdictions, depositions for or in, Title 25, chapter 20, M.R.Civ.P., Rules 28(b), 28(d), 28(e)
  petition, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
  special notice, Title 25, chapter 20, M.R.Civ.P., Rules 30(a), 30(b)
  stipulation of, Title 25, chapter 20, M.R.Civ.P., Rule 29
  written questions, Title 25, chapter 20, M.R.Civ.P., Rules 31(a), 31(b)
Oath or affirmation, 1-1-202
Objections
  admissibility, 46-15-204; Title 25, chapter 20, M.R.Civ.P., Rules 30(c), 32(b)
  criminal proceedings, 46-15-204
  defect or irregularity, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  inspection of documentary evidence, Title 25, chapter 20, M.R.Civ.P., Rule 45(d)
  recording, Title 25, chapter 20, M.R.Civ.P., Rule 30(c)
Orders for depositions, Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 27(b)
  criminal proceedings, 46-15-201
Organization, deposition of, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
  use, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
  written questions, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
Partial introduction, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
  criminal proceedings, 46-15-204
Partnerships, of, See **Organization**
Perpetuation of testimony
  before action, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
  criminal proceedings, for, 46-11-601, 46-15-201
  pending appeal, Title 25, chapter 20, M.R.Civ.P., Rule 27(b)
  postponement of trial, 25-4-504
Persons before whom taken
  administrative proceedings, hearing examiners, 2-4-611
  changes to deposition entered by, Title 25, chapter 20, M.R.Civ.P., Rule 30(e)
  court, Title 25, chapter 20, M.R.Civ.P., Rule 27(c)
  disqualification for interest, Title 25, chapter 20, M.R.Civ.P., Rules 28(c), 32(d)
  environmental quality council, authority, 75-1-312
  examiners, board of, 17-8-222
  foreign countries, within, Title 25, chapter 20, M.R.Civ.P., Rule 28(b)
  foreign states, in, 26-1-1004; Title 25, chapter 20, M.R.Civ.P., Rule 28(a)
  insurers, liquidators, 33-2-1365
  judges and justices, 3-1-404
  legislative council authority, 5-11-107
  medical examiners, board of, 37-13-201
  military officers, 1-5-105

DEPOSITIONS (Continued)

Persons before whom taken (Continued)
  Montana, within, Title 25, chapter 20, M.R.Civ.P., Rule 28(a)
  notaries public, 1-5-416
  objections to, Title 25, chapter 20, M.R.Civ.P., Rules 30(c), 32(d)
  public employees' retirement board, 19-3-1003, 19-5-611, 19-6-611, 19-8-711, 19-9-901, 19-13-801
  public service commission authority, 69-3-328
  sheriffs' retirement board, 19-7-611
  state, within, Title 25, chapter 20, M.R.Civ.P., Rule 28(a)
  stipulation, designation by, Title 25, chapter 20, M.R.Civ.P., Rule 29
  united states, outside, Title 25, chapter 20, M.R.Civ.P., Rule 28(b)
  united states, within, Title 25, chapter 20, M.R.Civ.P., Rule 28(a)
  workers' compensation, division of, 50-71-106
  written questions, identification in notice, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
Petition, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
Physician, examining — of, Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
Place of examination, Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 45(d)
  criminal proceedings, notice, 46-15-202, 46-15-203
Postconviction hearings, at, 46-21-201
Postponement of trial, deposition of witnesses, 25-4-504
Prisoners, of, Title 25, chapter 20, M.R.Civ.P., Rules 30(a), 31(a), 32(a), See also **WITNESSES**, **Prisoners**
Procedure
  designation, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
  modification, Title 25, chapter 20, M.R.Civ.P., Rules 29, 30(d)
  stipulation, Title 25, chapter 20, M.R.Civ.P., Rule 29
Production of documents and things, Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(f)
Protective orders, Title 25, chapter 20, M.R.Civ.P., Rule 26(c)
Rebuttal to, Title 25, chapter 20, M.R.Civ.P., Rule 32(c)
Recording, 46-15-204; Title 25, chapter 20, M.R.Civ.P., Rules 30(b), 30(c)
Scope, limitation, Title 25, chapter 20, M.R.Civ.P., Rule 30(d)
Sealing, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
  defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  order to open, Title 25, chapter 20, M.R.Civ.P., Rule 26(c)
Signing, Title 25, chapter 20, M.R.Civ.P., Rule 30(e)
  defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  refusal, 26-2-104
State government, of, See **Organization**
Stipulation of procedure, Title 25, chapter 20, M.R.Civ.P., Rule 29
  signing, waiver, Title 25, chapter 20, M.R.Civ.P., Rule 30(e)
Submission to witness, Title 25, chapter 20, M.R.Civ.P., Rule 30(e)
Subpoena, Title 25, chapter 20, M.R.Civ.P., Rule 45(d)
  attendance compelled by, Title 25, chapter 20, M.R.Civ.P., Rule 30(a)
  failure to serve, Title 25, chapter 20, M.R.Civ.P., Rule 30(g)
  foreign states, for depositions for, Title 25, chapter 20, M.R.Civ.P., Rule 28(d)
  organization, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
  written questions, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
Subscribing, See **Signing**
Substitution of parties, effect, Title 25, chapter 20, M.R.Civ.P., Rule 32(a)
Suspension, Title 25, chapter 20, M.R.Civ.P., Rule 30(d)
Termination, Title 25, chapter 20, M.R.Civ.P., Rule 30(d)
Time for, Title 25, chapter 20, M.R.Civ.P., Rule 30(b)
  criminal proceedings, 46-15-202, 46-15-203
Transcription, Title 25, chapter 20, M.R.Civ.P., Rules 30(c), 32(d)
  criminal proceedings, 46-15-204
Use, Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 29, 32(a)
  criminal proceedings, 46-15-204
Venue, See **Place of examination**
When, Title 25, chapter 20, M.R.Civ.P., Rule 30(a)
  criminal proceedings, 46-15-202, 46-15-204
  written questions, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
Where taken, See **Place of examination**

DEPOSITIONS (Continued)

Writings, authentication by, Title 26, chapter 10, M.R.Ev., Rule 1007
Written questions, upon
  certification, Title 25, chapter 20, M.R.Civ.P., Rule 31(b)
  copies, Title 25, chapter 20, M.R.Civ.P., Rule 31(b)
  criminal proceedings, 46-15-202
  cross-questions, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
  defect, Title 25, chapter 20, M.R.Civ.P., Rule 32(d)
  filing, Title 25, chapter 20, M.R.Civ.P., Rules 31(b), 31(c)
  notice, Title 25, chapter 20, M.R.Civ.P., Rules 31(a), 31(b)
  order for, Title 25, chapter 20, M.R.Civ.P., Rule 27(a)
  organization, of, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
  permissible, Title 25, chapter 20, M.R.Civ.P., Rule 30(c)
  prisoners, of, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
  recording, Title 25, chapter 20, M.R.Civ.P., Rule 31(b)
  redirect questions, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
  service, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)
  subpoena of witnesses, Title 25, chapter 20, M.R.Civ.P., Rule 31(a)

DEPOSITORIES FOR PUBLIC FUNDS

  See **STATE TREASURER**

DEPOSITS

  See **BAILMENT AND BAILEES; BANK DEPOSITS AND COLLECTIONS; CIVIL PROCEDURE; PERSONAL PROPERTY**

DEPUTIES

  See specific office

DESCENT

  See **ESTATES AND PROBATE PROCEEDINGS**

DESERTION

  See **ABANDONMENT**

DESSICANTS

  See **PESTS AND PESTICIDES**, generally

DESTRUCTIVE DEVICES

  See **EXPLOSIVES**

DETAINER

  See **CRIMINAL PROCEDURE; FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER**

DETAINERS, INTERSTATE AGREEMENT ON, Title 46, chapter 31

  See **CRIMINAL PROCEDURE**

DETENTION

  See generally **ARREST; CRIMINAL PROCEDURE, Commitment; Detainers; PRISONERS; PRISONS; WITNESSES**

DETENTION HOMES

See **YOUTH DETENTION FACILITIES**

DEVELOPERS

See **SUBDIVISIONS**, generally

DEVELOPMENT

See also specific subject area

Community Development Act of 1973, Planned, Title 7, chapter 2, part 47, See **CITIES AND TOWNS, Annexation with provision of services**
County planning and zoning commission, See **ZONING, Planning and zoning commission**
Districts created for, See **ZONING, Planning and zoning districts**
Economic, See **ECONOMIC DEVELOPMENT**
Electrical, See **STATE LANDS, Power site leases or licenses**
Energy, renewable sources, See **ENERGY, Renewable sources development**
Forest lands, See **FORESTS AND FORESTRY**, generally
Geothermal, See **FACILITY SITING; STATE LANDS, Geothermal resource leases**
Housing, See **HOUSING, Lower income, development**
Human resources, See **PUBLIC ASSISTANCE; SOCIAL AND REHABILITATION SERVICES, DEPARTMENT OF**
Industrial, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**
Landscape architects, See **LANDSCAPE ARCHITECTURE AND ARCHITECTS**
Natural areas, See **NATURAL AREAS**
Open-space lands, See **OPEN-SPACE LANDS**
Planned Community Development Act of 1973, Title 7, chapter 2, part 47, See **CITIES AND TOWNS, Annexation with provision of services**
Planned unit, See **SUBDIVISIONS**, generally
Planning and Zoning Commission, See **ZONING**
Planning boards, See **PLANNING BOARDS**
Planning for, See generally **PLANNING BOARDS; ZONING**
Rangelands, See **RANGELAND RESOURCES**, generally
Renewable resources, See **RENEWABLE RESOURCE DEVELOPMENT**
State lands, See **STATE LANDS**
Subdivisions, See **SUBDIVISIONS**
Urban renewal, See **URBAN RENEWAL**
Water, See **WATER**
Zoning for, See **ZONING**, generally

DEVELOPMENTAL DISABILITIES PLANNING AND ADVISORY COUNCIL

See **DEVELOPMENTALLY DISABLED PERSONS**

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES ACT OF 1974, Title 53, chapter 20, part 2

See **DEVELOPMENTALLY DISABLED PERSONS, Community services; Regional services**

DEVELOPMENTALLY DISABLED PERSONS

See also **HANDICAPPED PERSONS; MENTAL INCAPACITY**

Advisory Council, See **Developmental Disabilities Planning and Advisory Council**
Board of Visitors, See **Mental Disabilities Board of Visitors**
Boulder River School and Hospital, See also **INSTITUTIONS**, generally
  enumerated as state institution, 53-1-202
  function, 53-20-501
  metabolic testing of newborns, assistance, 50-19-204

DEVELOPMENTALLY DISABLED PERSONS (Continued)

Commitment proceedings, See **Institutionalization**
Community homes
  general provisions, Title 53, chapter 20, part 3
  zoning regulations, See **ZONING, Community residential facilities**
Community services, Title 53, chapter 20, part 2
Conservatorship, See **ESTATES AND PROBATE PROCEEDINGS, Conservators and conservatorship**
Crimes
  offender, 46-14-221, See **CRIMINAL PROCEDURE, Mental disease or defect of defendant**
  victim, See **CRIMES, Mental disease or defect of victim**
Day-care centers, children, See **MINORS, Day-care centers**
Developmental Disabilities Planning and Advisory Council
  allocation, 2-15-2204
  composition, 2-15-2204
  general provisions, Title 53, chapter 20, part 2
  public representation on, 2-15-2204
  removal from office, 2-15-2204
  term of office, 2-15-2204
Developmental Disabilities Services and Facilities Act of 1974, Title 53, chapter 20, part 2, See **Community services; Regional services**
Developmental disabilities systems, See **Regional services**
Eastmont Training Center, See also **GLENDIVE NURSING HOME; INSTITUTIONS**, generally
  enumerated as state institution, 53-1-202
  location, 53-20-502
  services, 53-20-502
Education for children, See **SCHOOLS, Special education**
Epileptics, drivers' license restrictions, 61-5-105
Evaluation, 53-20-111 — 53-20-131
Fire protection and safety regulations for institutions, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Fishing permits for, 87-2-803, 87-2-804
Foster homes, See **Community homes**
Group homes, See **Community homes**
Guardians of, See **GUARDIAN AND WARD, Incapacitated persons**
Habilitation, See **Treatment**
Halfway houses, See **Community homes**
Institutionalization
  boulder river school and hospital, See **Boulder River School and Hospital**
  community homes, See **Community homes**
  criminal offenders, See **CRIMINAL PROCEDURE, Mental disease or defect of defendant**
  eastmont training center, See **Eastmont Training Center**
  mistreatment of patients, Title 53, chapter 20, part 1
  procedural provisions, 53-20-111 — 53-20-131
  standards for facilities, Title 53, chapter 20, part 1
Interstate care and treatment, See **MENTALLY ILL PERSONS, Interstate Compact on Mental Health**
Mental Disabilities Board of Visitors, powers and duties, Title 53, chapter 20, part 1
Metabolic testing of newborns, See **BIRTH**
Mistreatment, Title 53, chapter 20, part 1
Out-of-state patients, See **MENTALLY ILL PERSONS, Interstate Compact on Mental Health**
Out-of-state treatment and care, See **MENTALLY ILL PERSONS, Interstate Compact on Mental Health**
Property, protective proceedings, See **ESTATES AND PROBATE PROCEEDINGS, Conservators and conservatorship**
Protective proceedings, See **ESTATES AND PROBATE PROCEEDINGS, Conservators and conservatorship**
Protective services, Title 53, chapter 20, part 4

DEVELOPMENTALLY DISABLED PERSONS (Continued)

Psychiatric examination, See **CIVIL PROCEDURE**, **Discovery**, physical and mental examination; **CRIMINAL PROCEDURE**, **Mental disease or defect of defendant**
Regional services, Title 53, chapter 20, part 2
Residential facilities, See **Institutionalization**; See also **Community homes**
Rights, 53-20-141 — 53-20-148
Sheltered workshops, See **SHELTERED WORKSHOPS**
Social and Rehabilitation Services, Department of
  community homes, supervision, Title 53, chapter 20, part 3
  community services, powers and duties respecting, Title 53, chapter 20, part 2
  protective services, administration, Title 53, chapter 20, part 4
  regional services, powers and duties respecting, Title 53, chapter 20, part 2
Special education for children, See **SCHOOLS**, **Special education**
Systems, See **Regional services**
Treatment
  generally, Title 53, chapter 20, part 1
  out-of-state, See **MENTALLY ILL PERSONS**, **Interstate Compact on Mental Health**
Visitors, Board of, See **Mental Disabilities Board of Visitors**
Vocational rehabilitation, See **PUBLIC ASSISTANCE**
Work programs
  sheltered workshops, See **SHELTERED WORKSHOPS**
  vocational rehabilitation, See **PUBLIC ASSISTANCE**

DEVELOPMENT CREDIT CORPORATION ACT, Title 32, chapter 4

  See **DEVELOPMENT CREDIT CORPORATIONS**, generally

DEVELOPMENT CREDIT CORPORATIONS

Agents, See **Officers and employees**
Annual report, 32-4-306
  amendment of obligation to make, 32-4-205
Application of development credit corporation laws generally, 32-4-102
Articles of incorporation, See **Incorporation**
Board of directors, See **Directors, board of**
Bylaws
  adoption, 32-4-207, 32-4-301
  amendment, 32-4-301
  annual meeting, 32-4-206
  directors, board of — removal of members, 32-4-206
  officers and employees, authorization, 32-4-206
  repeal, 32-4-301
  stockholders, powers conferred to, 32-4-206
Capital stock, See **Membership**, generally
Certificate of incorporation, See **Incorporation**
Commissioner of insurance, annual report to, 32-4-306
Commerce, Department of
  planning and economic development division, duties, 32-4-201
  supervision, 32-4-306
Conflict of interest, 32-4-305
Continual succession, 32-4-202
Corporation law, applicability
  annual statement, 32-4-306
  generally, 32-4-102, 32-4-104
  incorporation, 32-4-201
    articles of, amendment, 32-4-205
Credit of state, pledge prohibited, 32-4-103
Definitions, 32-4-101
Deposit of funds, 32-4-305
Directors, board of, 32-4-206
  conflict of interest, 32-4-305

DEVELOPMENT CREDIT CORPORATIONS (Continued)

Directors, board of (Continued)
    defined, 32-4-101
    deposit of corporation funds, 32-4-305
    election, 32-4-206, 32-4-301
        first directors, 32-4-207
    liability, 32-4-206
    loans to corporation, specification of limits, 32-4-302
    membership applications, action on, 32-4-302
    number, 32-4-206, 32-4-301
    offices of corporation, location fixed by, 32-4-201
    reserves, establishment and maintenance, 32-4-304
    surplus, establishment and maintenance, 32-4-304
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Earnings, 32-4-304
Employees, See **Officers and employees**
Examination, 32-4-306
Existence
    perpetual, 32-4-202
    termination, 32-4-204
Failure to commence business, effect, 32-4-204
Governor, annual report to, 32-4-306
Incorporation
    articles of incorporation, 32-4-201
        amendment, 32-4-205, 32-4-301
        void when, 32-4-204
    bylaws, See **Bylaws**
    certificate of incorporation, 32-4-203
    directors, board of, See **Directors, board of**
    incorporators, 32-4-201
        authority, 32-4-203
    meeting, first, 32-4-207
    perpetual existence, 32-4-202
Indebtedness, See **Loans**; **Membership**, loans to corporation
Insurance, Commissioner of — annual report to, 32-4-306
Insurance to indemnify, See **SURETYSHIP AND SURETIES**
Insurers, restrictions regarding, 33-18-501
Investments, 32-1-424, 32-2-406, 32-4-201
Loans, See also **LOANS**, generally
    authorization and eligibility, 32-4-102, 32-4-201
    corporation, loans to by members, See **Membership**, loans to corporation
    interest, exemption from usury laws, 31-1-111, 31-1-112
Location of business, 32-4-201
Meetings
    annual, 32-4-206
    first, 32-4-207
    special, 32-4-206
    voting at, 32-4-301
        amendment of right prohibited, 32-4-205
Membership
    application, 32-4-302
    loans to corporation
        amendment to loan conditions, 32-4-205
        apportionment, 32-4-302
        authorization, 32-4-201
        interest, 32-4-302
        limits, 32-4-302
            defined, 32-4-101
        obligation, increase prohibited when, 32-4-205
        requirements, 32-4-302
        security, 32-4-201
        withdrawal from corporation, obligation to make loans, 32-4-303
    "member" defined, 32-4-101

DEVELOPMENT CREDIT CORPORATIONS (Continued)

Membership (Continued)
  qualifications, 32-4-208
  requirements, 32-4-208, 32-4-302
  stock
    capital requirements, 32-4-201, 32-4-208
    ownership, requirements and limitations, 32-4-208
  stockholders
    articles of incorporation
      amendment, 32-4-205
      information required in, 32-4-201
    directors, board of
      election, 32-4-206
      members need not be stockholders, 32-4-206
      powers, how conferred, 32-4-206
    powers and duties generally, 32-4-301
    vote and proxy, 32-4-301
      amendment of right prohibited, 32-4-205
  withdrawal, 32-4-303
    right unaffected by amendment to articles of incorporation, 32-4-205
Name, 32-4-201
Officers and employees
  appointment, 32-4-201, 32-4-206
  articles of incorporation, statement of employment in, 32-4-201
  clerk, temporary — appointment, 32-4-207
  employment authorized, 32-4-206
  liability, 32-4-206
  president, 32-4-206
  treasurer, 32-4-206
Offices, 32-4-201
Organization, See **Incorporation**
Perpetual existence, 32-4-202
Place of business, 32-4-201
Powers and duties
  articles of incorporation, statement in, 32-4-201
  generally, 32-4-102, 32-4-201
Property, conveyance, 32-4-201
Purposes, 32-4-102
  articles of incorporation, statement in, 32-4-201
Reports, 32-4-306
  amendment of requirement prohibited, 32-4-205
Reserves, establishment and maintenance, 32-4-304
Shareholders, See **Membership**
Shares, See **Membership**, generally
State credit, pledge of prohibited, 32-4-103
Stock, See **Membership**, generally
Stockholders, See **Membership**
Subscribers, See **Membership**
Supervision, 32-4-306
Surplus, establishment and maintenance, 32-4-304
Termination for failure to commence business, 32-4-204

DEVIATE SEXUAL CONDUCT

  See **CRIMES, Sexual offenses**

DEVISES AND LEGACIES

  See **ESTATES AND PROBATE PROCEEDINGS, Wills**

DIALYSIS

  See **PUBLIC ASSISTANCE, Renal disease treatment program**

DIATOMITE

See generally **MINES AND MINING; STATE LANDS, Nonmetallic mineral leases**

DIESEL FUEL

See **GASOLINE AND PETROLEUM PRODUCTS**

DIKES

See generally **CONSERVATION DISTRICTS; FLOODPLAINS AND FLOODWAYS, Obstructions; FLOODS, Control projects**

DIMETHYL SULFOXIDE

See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**

DINKEY ENGINES

See **BOILERS AND STEAM ENGINES**

DIOCESAN CORPORATIONS

See **RELIGIOUS CORPORATIONS SOLE**

DIRECTED VERDICTS

See **CIVIL PROCEDURE, Verdict**

DIRECTORS OF DEPARTMENTS

See **EXECUTIVE BRANCH**; See also specific department

DISABILITY INSURANCE

See **INSURANCE — CASUALTY**, generally; **INSURANCE — DISABILITY; INSURANCE — LIFE**, generally

DISABILITY RETIREMENT

See specific retirement system

DISABLED PERSONS

See **BLIND OR VISUALLY HANDICAPPED PERSONS; DEAF PERSONS; DEVELOPMENTALLY DISABLED PERSONS; HANDICAPPED PERSONS; MENTALLY ILL PERSONS; TAXATION; VETERANS, Disabled veterans**

DISABLEMENT, INSURANCE AGAINST

See generally **INSURANCE — CASUALTY; INSURANCE — DISABILITY**

DISASTER AND EMERGENCY SERVICES, DIVISION OF

See **EMERGENCIES AND EMERGENCY POWERS**

DISASTERS

See **EMERGENCIES AND EMERGENCY POWERS**, generally

DISBARMENT

- See **ATTORNEYS AT LAW, Disbarment or suspension**

DISCHARGE OF DEFENDANT

- See **CRIMINAL PROCEDURE**

DISCOVERY

- See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**

DISCRIMINATION

- **Abortion**, refusal to participate based on religious or moral convictions not discriminatory, 50-20-111
- **Age discrimination**
  - "age" defined, 49-2-101
  - justification for discrimination when, 49-2-403, 49-3-103
  - records concerning age, maintained when, 49-2-102
  - unlawful practices described, 49-2-301 — 49-2-308
    - exceptions, 49-2-303 — 49-2-308, 49-2-401 — 49-2-403
- **Blind persons**, See **Handicapped persons**
- **Chiropractors, Board of** — discrimination in requirements for schools of chiropractic prohibited, 37-12-201
- **Code of Fair Campaign Practices**, statement against, 13-35-301
- **Color**, unlawful discriminatory practices concerning, 49-2-301 — 49-2-308
  - exceptions, 49-2-303 — 49-2-308, 49-2-401 — 49-2-403
- **Complaints**
  - aggrieved persons, procedures, 49-2-501 — 49-2-508, 49-3-303
    - retaliation prohibited, 49-2-301
  - human rights, commission for — investigation, 49-2-203
- **Credit transactions**
  - definitions, 49-2-101
  - justification for discriminatory practices when, 49-2-403
  - unlawful practices described, 49-2-306
    - exceptions, 49-2-306, 49-2-401, 49-2-403
- **Creed**, unlawful discriminatory practices concerning, 49-2-301 — 49-2-308
  - exceptions, 49-2-303, 49-2-305 — 49-2-308, 49-2-401 — 49-2-403
- **Deaf persons**, See **Handicapped persons**
- **Definitions**, 49-2-101, 49-3-101
- **Educational institutions**
  - blind or visually handicapped persons, state policy concerning, 49-4-202
  - chiropractic, schools of — board of chiropractors' discrimination in requirements prohibited, 37-12-201
  - deaf persons, state policy concerning, 49-4-202
  - defined, 49-2-101
  - employment, discriminatory practices prohibited, See **Employment**
  - university system
    - antidiscrimination, 20-25-101, 20-25-707
    - records, covert, 20-25-511
  - unlawful practices described, 49-2-301, 49-2-302, 49-2-307
    - exceptions, 49-2-307, 49-2-401 — 49-2-403
  - work-study programs, antidiscrimination, 20-25-707
- **Elections**, statements in code of fair campaign practices, 13-35-301
- **Employment**
  - blind or visually handicapped persons, See **Handicapped persons**
  - definitions, 49-2-101
  - fair practices, Title 49, chapter 3, See **Government, state and local**
  - fish, wildlife, and parks — department employees, grievance procedures, 87-1-205, 87-1-403
  - governmental, See **Government, state and local**
  - handicapped persons, See **Handicapped persons**

DISCRIMINATION (Continued)

Employment (Continued)
  justification for discriminatory practices when, 49-2-308, 49-2-403, 49-3-103, 49-4-101
  military personnel, 10-1-603, 10-1-604, 10-1-615, See also **VETERANS**, **Employment preference**; **Reemployment**
  records required when and public availability, 49-2-102
  retirement systems, discrimination prohibited, 19-3-304, 19-3-505, 19-4-302, 19-5-201, 19-6-201, 19-7-201, 19-8-201
  rights generally, 49-1-102
  unlawful practices described, 49-2-301 — 49-2-303, 49-2-308
    exceptions, 49-2-303, 49-2-308, 49-2-401 — 49-2-403, 49-3-103
  veterans, See **VETERANS**, **Employment preference**; **Reemployment**
  work-study programs, antidiscrimination, 20-25-707
Exceptions, See **Unlawful practices**
Ex-convicts or offenders, See **OFFENDERS, FORMER**
Fair Practices, Code of, Title 49, chapter 3, See **Government, state and local**, generally
Financial institutions
  defined, 49-2-101
  unlawful practices described, 49-2-301, 49-2-302, 49-2-306
    exceptions, 49-2-401
Fraternal benefit societies, discrimination in contract terms or conditions prohibited, 33-7-519
Freedom from, declared a civil right, 49-1-102
Game wardens' retirement system membership and benefits, discrimination prohibited, 19-8-201
Government, state and local
  administration, department of — employment examinations, 49-3-201
  agencies
    cooperation with commission for human rights, 49-3-202, 49-3-301
    reports, annual — contents, 49-3-302
  apprenticeship programs, 49-3-203
  blind or visually handicapped persons, state policy concerning, 49-4-202
  complaint procedure, 49-3-303
  contracts, public, 18-1-111, 18-2-403, 49-3-207
  deaf persons, state policy concerning, 49-4-202
  definitions, 49-3-101, 49-3-102
  educational or counseling programs, 49-3-202, 49-3-203
  employment of personnel
    blind or visually handicapped persons, state policy concerning, 49-4-202
    deaf persons, state policy concerning, 49-4-202
    equal opportunities guaranteed, 49-2-308, 49-3-201 — 49-3-203
    exceptions to unlawful practices, 49-3-103
    handicapped persons, state policy concerning, 49-4-202
    placement and referral services, 49-3-201, 49-3-202
    veterans, preference to, See **VETERANS**, **Employment preference**
  equal opportunities guaranteed, 49-2-308, 49-3-201 — 49-3-203
  facilities, 49-2-308, 49-3-205
  fair practices, code of, Title 49, chapter 3, See this category, generally
  federal funds, 49-2-308
  funding programs, 49-2-308, 49-3-206
  handicapped persons, state policy concerning, 49-4-202
  injunction for relief when, 49-3-303
  justification for discriminatory practices when, 10-2-201 — 10-2-206, 49-2-308, 49-3-103
  licenses and charters, discrimination in issuance prohibited, 49-3-204
  local government units affected, 49-3-102
  minority groups, utilization, 49-3-201
  public accommodations, responsibility concerning, 49-3-208
  public contracts, 18-1-111, 18-2-403, 49-3-207
  quota system, 49-3-104
  records required when and public availability limited, 49-2-102
  remedies for violations, 49-3-303
  reports, annual — contents, 49-3-302

DISCRIMINATION (Continued)

Government, state and local (Continued)
  retirement systems, discrimination prohibited, 19-3-304, 19-3-505, 19-4-302, 19-5-201, 19-6-201, 19-7-201, 19-8-201
  services and goods, 49-2-308, 49-3-205, 49-3-207
  training programs, 49-3-201, 49-3-203
  unlawful practices described, 49-2-301, 49-2-302, 49-2-308
    exceptions, 49-2-308, 49-2-401 — 49-2-403, 49-3-103
  veterans, preference to, See **VETERANS, Employment preference**
  vocational guidance programs, 49-3-203
Grain warehousemen
  charges by, discrimination prohibited, 80-4-223
  receiving and storage of grain, nondiscrimination, 80-4-224
Handicapped persons
  blind or visually handicapped
    definitions, 49-2-101
    dogs, guide — provisions regarding, 49-2-101, 49-4-214
    employment practices regarding, 18-5-401, 49-4-202
    housing accommodations, 49-4-203, 49-4-212, 49-4-214
    public accommodations and places, 49-4-211, 49-4-214, 49-4-216
    state policy concerning, 49-4-202
    unlawful practices described, 49-2-301 — 49-2-308
      exceptions, 49-2-303 — 49-2-308, 49-2-401 — 49-2-403
    white cane act, Title 49, chapter 4, part 2
  deaf persons
    dogs, hearing — provisions respecting, 49-4-214
    employment practices regarding, 49-4-202
    housing accommodations, 49-4-212, 49-4-214
    public accommodations and places, 49-4-211, 49-4-214
    state policy concerning, 49-4-202
  employment
    justifiable discrimination when, 49-2-403, 49-3-103
    penalty for violations, 49-2-601, 49-4-102
    preference given when, 10-2-201, 10-2-203
    state policy concerning, 18-5-401, 49-4-202
    unlawful practices described, 49-2-301 — 49-2-303, 49-2-308, 49-4-101
      exceptions, 49-2-303, 49-2-308, 49-2-401 — 49-2-403, 49-3-103, 49-4-101
  mentally handicapped
    defined, 49-2-101
    justification for discrimination when, 49-2-403, 49-3-103
    unlawful practices described, 49-2-301 — 49-2-308
      exceptions, 49-2-303 — 49-2-308, 49-2-401 — 49-2-403, 49-3-103
  physically handicapped
    defined, 49-2-101
    justification for discriminatory practices, 49-3-103
    state policy concerning, 49-4-202
    unlawful practices described, 49-2-301 — 49-2-308, 49-4-101
      exceptions, 49-2-303 — 49-2-308, 49-2-401 — 49-2-403, 49-3-103
  state policy concerning, 18-5-401, 49-4-202
  visually handicapped, See blind or visually handicapped
  white cane act, Title 49, chapter 4, part 2
Health care facilities, unlawful in, 50-5-105
  abortion, refusal to participate — no cause of action, 50-20-111
  sterilization, refusal to participate — no cause of action, 50-5-502, 50-5-503
Health service corporations, discrimination in classifications or rates prohibited, 33-30-306
Highway patrolmen's retirement system membership and benefits, discrimination prohibited, 19-6-201
Hospitals, See **Health care facilities**
Housing accommodations
  blind or visually handicapped persons, 49-4-203, 49-4-212, 49-4-214
  deaf persons, 49-4-212, 49-4-214
  defined, 49-2-101, 49-4-203

DISCRIMINATION (Continued)

Housing accommodations (Continued)
  unlawful practices described, 49-2-305
    exceptions, 49-2-305, 49-2-401 — 49-2-403
Human Rights, Commission for
  allocation, 2-15-1706
  budget, policy regarding use, 2-15-1706
  compensation, 2-15-1706
  complaints
    investigation, 49-2-203
    procedures, 49-2-501 — 49-2-508, 49-3-303
  composition, 2-15-1706
  contested case hearings, 49-2-201, 49-2-505
  counsel for, legal, 49-2-201
  declaratory rulings, petitions for, 49-2-201, 49-2-401
  defined, 49-2-101
  findings of discrimination
    failure to find, procedure, 49-2-507
    order or agreement
      contents, 49-2-506
      enforcement, 49-2-508
      penalty for violation, 49-2-601
  funds, 2-15-1706
  governmental agencies, cooperation with commission, 49-3-202, 49-3-301
  hearings
    contested cases, 49-2-201, 49-2-505
    examiners, 49-2-201
    held when, 49-2-502, 49-2-505
  indigent persons, expenses, 49-2-505
  injunction to enforce orders, 49-2-508
  inspections by, 49-2-506
  investigative powers, 49-2-203, 49-2-504
  labor and industry, department of — cooperation with commission, 49-3-202
  legal counsel for, 49-2-201
  meetings held when, 49-2-502
  notice containing explanation of discrimination laws — posting, noncompliance, and penalty, 49-2-202
  personnel, 2-15-1706
  powers, 49-2-203, 49-2-501 — 49-2-508
  quasi-judicial, designation as, 2-15-1706
  relief, temporary, 49-2-503
  rules for implementation of laws, 49-2-204
  settlement, informal, 49-2-504
  staff, 49-2-201
    complaints filed by, 49-2-501
  subpoena powers, 49-2-203
  termination, 2-8-103
  travel expenses, 2-15-1706
  violation of orders and penalty, 49-2-601
Illegal practices, See **Unlawful practices**
Insurance
  agents and solicitors, license examinations to be nondiscriminatory, 33-17-213
  life policies or annuity contracts, 33-20-123
  rates to be nondiscriminatory, 33-16-101, 33-16-201, 33-16-1004, 33-25-102
Insurers
  domestic stock and mutual — classification of policies, discrimination between policyholders prohibited, 33-3-421
  farm mutual, rates to be nondiscriminatory, 33-4-510
  reciprocal, distribution of savings, 33-5-410
  unfair discrimination prohibited, 33-18-206, 33-18-210, 33-18-501
    exceptions, 33-18-209
Judges' retirement system membership and benefits, discrimination prohibited, 19-5-201

DISCRIMINATION (Continued)

Justification when, 49-2-303 — 49-2-308, 49-2-403, 49-2-404, 49-3-103
Labor, See **Employment**
Licenses and charters, discrimination in issuance prohibited, 49-3-204
Local government, See **Government, state and local**
Marital status, unlawful discriminatory practices concerning, 49-2-301 — 49-2-303, 49-2-306 — 49-2-308
  exceptions, 49-2-303, 49-2-306 — 49-2-308, 49-2-401 — 49-2-403
Mentally handicapped persons, See **Handicapped persons**
Military personnel, employment discrimination unlawful, 10-1-603, 10-1-604, 10-1-615, See also **VETERANS, Employment preference; Reemployment**
Motor carrier rates or rules of service to be nondiscriminatory, 69-12-503
National origin
  defined, 49-2-101
  unlawful discriminatory practices described, 49-2-301 — 49-2-308
    exceptions, 49-2-303 — 49-2-308, 49-2-401 — 49-2-403
Notice containing explanation of discrimination laws — posting, noncompliance, and penalty, 49-2-202
Offenders, former, See **OFFENDERS, FORMER**
Optometrists, by public agencies — prohibited, 37-10-104
Penalties, See **Unlawful practices**
Physically handicapped persons, See **Handicapped persons**
Pipeline carriers, discrimination unlawful, 69-13-105, 69-13-303
Political beliefs
  governmental employment and services, 49-2-308, 49-3-201 — 49-3-208
  justifiable discrimination when, 49-2-308
Pricing, See **TRADE REGULATION AND COMPETITION**
Prisoners, former, See **OFFENDERS, FORMER**
Public accommodations
  blind or visually handicapped persons, 49-4-211, 49-4-213 — 49-4-217
  deaf persons, 49-4-211, 49-4-214, 49-4-215
  defined, 49-2-101
  governmental responsibility, 49-3-208
  right of enjoyment, 49-1-102
  unlawful practices described, 49-2-304
    exceptions, 49-2-304, 49-2-401 — 49-2-403
Public employees' retirement benefits and retroactive employer contributions, discrimination prohibited, 19-3-304, 19-3-505
Quota system, 49-2-307, 49-3-104
Racial discrimination
  records concerning race, maintained when, 49-2-102
  unlawful practices described, 49-2-301 — 49-2-308
    exceptions, 49-2-303 — 49-2-308, 49-2-401 — 49-2-403
Railroad rates, charges, and classifications
  complaints regarding, 69-14-321
  prohibited, 69-14-303
Records required when and public availability, 49-2-102
Religious discrimination, unlawful practices described, 49-2-301 — 49-2-308
  exceptions, 49-2-303 — 49-2-308, 49-2-401 — 49-2-403
Retirement systems, discrimination prohibited, 19-3-304, 19-3-505, 19-4-302, 19-5-201, 19-6-201, 19-7-201, 19-8-201
Sexual discrimination
  justification for discrimination when, 49-2-404
  records concerning sex, maintained when, 49-2-102
  statutes, elimination in, 1-1-201, 1-2-105
  unlawful practices described, 49-2-301 — 49-2-308
    exceptions, 49-2-303 — 49-2-308, 49-2-401 — 49-2-404
Sheriffs' retirement system membership and benefits, discrimination prohibited, 19-7-201
State government, See **Government, state and local**
Teachers' retirement system, membership eligibility — discrimination prohibited, 19-4-302
Transportation, classification for free or reduced rates not to be unjust, 69-11-109, 69-11-207, 69-11-208

DISCRIMINATION (Continued)

Unlawful practices
  aiding, coercing, or attempting, 49-2-302
  complaint procedures, 49-2-203, 49-2-501 — 49-2-508, 49-3-303
    retaliation prohibited, 49-2-301
  descriptions, 49-2-301 — 49-2-308, 49-4-101
  exceptions when, 49-2-303 — 49-2-308, 49-2-401 — 49-2-404, 49-3-103, 49-4-101
    claiming, procedure for, 49-2-401, 49-2-402
  finding of, procedures, 49-2-506 — 49-2-508
  penalties
    blind or visually handicapped persons' rights, denial or interference with, 49-4-215, 49-4-217
    deaf persons' rights, denial or interference with, 49-4-215
    general penalty, 49-2-601
    handicapped persons, employment violations, 49-4-102
    notice containing explanation of discrimination laws, penalty for not posting, 49-2-202
    orders by commission for human rights, violation, 49-2-601
  quota system, 49-2-307
  remedies for violations, 49-3-303, 49-4-102
  retaliation prohibited, 49-2-301
Urban renewal, prohibited, 7-15-4207
Veterans, See also **Military personnel**
  employment, See **VETERANS, Employment preference; Reemployment**
Visually handicapped persons, See **Handicapped persons**, blind or visually handicapped
White Cane Act, Title 49, chapter 4, part 2

DISEASES

Alcoholism, See **ALCOHOL ABUSE**
Anthracosilicosis, 39-72-102, See **OCCUPATIONAL DISEASE**
Anthracosis, 39-72-102, See **OCCUPATIONAL DISEASE**
Autism, See **DEVELOPMENTALLY DISABLED PERSONS**, generally; **SCHOOLS, Special education**
Barbers, affliction, See **BARBERING AND BARBERS**
Beauticians, affliction, See **COSMETOLOGY AND COSMETOLOGISTS**
Black lung disease, See **OCCUPATIONAL DISEASE; SILICOSIS**
Brucellosis, See **LIVESTOCK, Disease control**, generally
Cerebral palsy, See **DEVELOPMENTALLY DISABLED PERSONS**, generally
Chiropractors, regulations regarding communicable disease, 37-12-103
Communicable, See also this category generally
  barbers, affliction, See **BARBERING AND BARBERS**
  beauticians, affliction, See **COSMETOLOGY AND COSMETOLOGISTS**
  chiropractors, regulation regarding, 37-12-103
  control, 50-1-202, 50-2-116, 50-2-118
  cosmetologists, affliction, See **COSMETOLOGY AND COSMETOLOGISTS**
  defined, 50-1-101, 50-2-101
  disinfecting of affected places, 50-2-116, 50-2-118
  filth causing, destruction or removal, 50-2-116, 50-2-118
  food handling by afflicted person prohibited, 50-50-105
  hospital for, local health officer in charge, 50-2-118
  investigatory authority, 50-1-202
  livestock, of, See **LIVESTOCK, Disease control**
  medical practitioners, report requirements, 37-2-301, 50-18-106
  minors
    consent for treatment, 41-1-402
    information, release, 41-1-403
  premarital examination, 40-1-203 — 40-1-209
  prisoners, removal when infected, 50-2-121, 50-18-108
  quarantines, See **QUARANTINES**
  report requirements, 37-2-301, 50-1-202, 50-2-118, 50-18-106
  rulemaking authority, 50-1-202, 50-2-116
  school immunization requirements, See **SCHOOLS, Immunization requirements**
  treatment to infected persons, provision, 50-2-116

DISEASES (Continued)

Communicable (Continued)
  tuberculosis, See **Tuberculosis**
  venereal diseases, See **Venereal diseases**
Contagious, See **Communicable**
Control by Department of Health and Environmental Sciences, 50-1-202
Cosmetologists, affliction, See **COSMETOLOGY AND COSMETOLOGISTS**
DMSO, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dimethyl sulfoxide**
Down's syndrome, See **DEVELOPMENTALLY DISABLED PERSONS**, generally
Drug advertising, 50-31-303, See also **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Epilepsy, See **DEVELOPMENTALLY DISABLED PERSONS**, generally
Food handling by afflicted persons prohibited, 50-50-105
German measles, blood tests for, See **MARRIAGE, Premarital examination; PREGNANCY, Serological testing**
Gonorrhea, See **Venereal diseases**
Health and Environmental Sciences, Department of
  control of disease, 50-1-202
  infant mortality and morbidity information to, 50-16-102
  investigatory authority, 50-1-202
  report requirements, 37-2-301, 50-1-202, 50-2-118
  rulemaking authority, 50-1-202
  tuberculosis
    commitment of infected persons
      application by, 50-17-105
      release, request by, 50-17-113
      transfer of patient to another hospital, notice, 50-17-111
      transportation warrant, issuance, 50-17-109
    diagnosis, rulemaking authority, 50-17-103
    examination, application for court order, 50-17-105
    federal funding, 50-17-103
    rulemaking authority, 50-17-103
  venereal diseases
    confidentiality of information, release to, 50-18-109
    cooperation among governmental agencies, 50-18-103
    disobedience to, 50-18-113
    federal funding, 50-18-103
    investigative authority, 50-18-107
    laboratories for testing, approval, 50-18-104
    report of cases to, 50-18-106
    rulemaking authority, 50-18-105, 50-18-113
    scope of authority, 50-18-102
    serological testing, authority, 50-18-104, 50-18-107
    treatment authority, 50-18-102, 50-18-107
Immunizations, See **SCHOOLS, Immunization requirements**
Infant mortality and morbidity information, 50-16-102
Infectious, See **Communicable**
Investigatory authority, 50-1-202
Kidney disease, See **PUBLIC ASSISTANCE, Renal disease treatment program**
Laetrile, use, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Livestock, See **LIVESTOCK, Disease control**
Local boards of health and officers
  disinfecting of places, 50-2-116, 50-2-118
  filth, destruction and removal when disease causing, 50-2-116, 50-2-118
  hospital for communicable disease, local officer in charge, 50-2-118
  prisoners, removal when infected, 50-2-121
  quarantine authority, 50-2-116
  reporting, 50-2-118
  rulemaking authority, 50-2-116
  treatment to infected persons, provision, 50-2-116
  tuberculosis
    commitment of infected persons
      application by, 50-17-105

DISEASES (Continued)

Local boards of health and officers (Continued)
  tuberculosis (Continued)
    commitment of infected persons (Continued)
      release, request by, 50-17-113
      transfer of patient to another hospital, notice, 50-17-111
      transportation warrant, issuance, 50-17-109
    examination of infected persons, application for court order, 50-17-105
  venereal diseases
    disobedience to, 50-18-113
    powers and duties generally, 50-18-107
    report of suspected sexual activity of infected person, 50-18-106
    statement of freedom from disease, issuance, 50-18-111
Measles, blood tests for, See **MARRIAGE**, **Premarital examination**; **PREGNANCY**, **Serological testing**
Mental illness, See **MENTALLY ILL PERSONS**
Mental retardation, See **DEVELOPMENTALLY DISABLED PERSONS**, generally
Occupational, See **LABOR AND EMPLOYMENT**, **Health safeguards**; **OCCUPATIONAL DISEASE**
Optometrists afflicted with, revocation of certificate of registration, 37-10-311
Pneumoconiosis, 39-72-102, See **OCCUPATIONAL DISEASE**
Poultry, See **POULTRY AND EGGS**, **Disease control**
Premarital examination, 40-1-203 — 40-1-209
Quarantines, See **QUARANTINES**
Rabies control in wild animals, See **FISH AND WILDLIFE**, **Rabies control**
Renal disease treatment program, See **PUBLIC ASSISTANCE**
Report requirements
  communicable diseases, 37-2-301, 50-1-202, 50-2-118, 50-18-106
  confidentiality, effect, 50-16-304
  infants, diseases, 50-16-102
  occupational diseases, 50-70-107
Rubella, blood tests for, See **MARRIAGE**, **Premarital examination**; **PREGNANCY**, **Serological testing**
School immunization requirements, See **SCHOOLS**, **Immunization requirements**
Silicosis, See **OCCUPATIONAL DISEASE**; **SILICOSIS**
Slanderous statements respecting, 27-1-803
Syphilis, See **Venereal diseases**
Trees, See **FORESTS AND FORESTRY**, **Disease and insect pest control**
Tuberculosis
  commitment for treatment or examination, 50-17-107, 50-17-108
    consent for treatment, 50-17-110
    copies of order, service, 50-17-109
    costs, 50-17-114
    duration of confinement, 50-17-110
    notice of release, 50-17-113
    release procedure, 50-17-112, 50-17-113
    transfer to another hospital, 50-17-111
    transportation warrant, 50-17-109
  cooperation among governmental agencies, 50-17-101, 50-17-103
  definitions, 50-17-102
  diagnosis, rulemaking authority, 50-17-103
  examination
    commitment, 50-17-108, 50-17-114
    court order for, 50-17-107
      application, 50-17-105 — 50-17-107, 50-17-114
  federal funding, 50-17-103
  galen state hospital as treatment center, 50-17-104, 53-6-301, See **GALEN STATE HOSPITAL**
  health and environmental sciences, department of — authority, See **Health and Evironmental Sciences, Department of**
  livestock, See **LIVESTOCK, Tuberculin**
  local boards of health, authority, See **Local boards of health and officers**
  policy of state, 50-17-101

DISEASES (Continued)

Tuberculosis (Continued)
  prevention, 50-17-101
  rulemaking authority, 50-17-103
  silicosis complicated by, 39-72-102, See **OCCUPATIONAL DISEASE**, generally
  treatment
    consent, 50-17-110
    court order for
      application, 50-17-105 — 50-17-107, 50-17-114
      commitment upon, 50-17-107, 50-17-109, 50-17-110, 50-17-114
    fees, 50-17-104, 50-17-114
    galen state hospital, facility for, 50-17-104, 53-6-301, See **GALEN STATE HOSPITAL**
    policy of state, 50-17-101
  witnesses in court proceedings, 50-17-105, 50-17-106, 50-17-114
Tumor registry, Title 50, chapter 15, part 7, See **VITAL STATISTICS**
Venereal diseases
  certificate or statements of freedom from disease, 50-18-111
  confidentiality of information, 50-18-109
  cooperation among governmental agencies, 50-18-103
  defined, 50-18-101
  drugs and devices
    dispensation, 50-18-110
    preventative, unlawful sale and advertisement, 45-8-204
  education programs, 50-18-102
  examination of suspected infected persons, 50-18-107, 50-18-108
  exposure of disease to another person unlawful, 50-18-112
  federal funding, 50-18-103
  health and environmental sciences, department of — authority, See **Health and Environmental Sciences, Department of**
  infecting another person unlawful, 50-18-112
  investigation of source of disease, 50-18-107
  laboratories for testing, approval and fees, 50-18-104
  local officers, authority, See **Local boards of health and officers**
  minors
    consent for treatment, 41-1-402
    information, release, 41-1-403
  pregnancy, serological tests, 50-19-105, See also **PREGNANCY, Serological testing**
  premarital examination, 40-1-203 — 40-1-209
  prevention, 50-18-102
  prisoners, infected, 50-18-108
  quarantine of infected persons, 50-18-107
  report of cases, 50-18-106, 50-19-105
  rulemaking authority, 50-18-105, 50-18-113
  serological testing, 50-18-104, 50-18-107
    error, 50-18-104
    premarital, 40-1-203 — 40-1-209
    prenatal, 50-19-105, See **PREGNANCY**
    prisoners, 50-18-108
  treatment
    department of health and environmental sciences, authority, 50-18-102, 50-18-107
    drugs for, 50-18-110
    prisoners, of, 50-18-108
    required, 50-18-107
  violations of provisions generally, 50-18-113

DISMEMBERMENT BY ACCIDENT OR ACCIDENTAL MEANS, INSURANCE AGAINST

  See **INSURANCE — LIFE**, generally

DISMISSAL

  See **APPEALS, CIVIL; APPEALS, CRIMINAL; CIVIL PROCEDURE; CRIMINAL PROCEDURE**

DISORDERLY CONDUCT

Unlawful, 45-8-101, 45-8-102

DISPOSAL PLANTS

See **RENDERING OR DISPOSAL PLANTS**

DISPOSITION OF UNCLAIMED PROPERTY ACT, UNIFORM, Title 70, chapter 9, parts 1 — 3

See **PERSONAL PROPERTY, Unclaimed or abandoned property**

DISPUTABLE PRESUMPTIONS

See **EVIDENCE, Presumptions**

DISSOLUTION OF MARRIAGE

See also **CHILD CUSTODY; CHILD SUPPORT**

Abuse of spouse, petition alleging, 40-4-106
Administrative enforcement of support, Title 40, chapter 5, part 2, See **CHILD SUPPORT**
Alimony, See **Maintenance**
Annulment, provisions applicable when, 40-1-402
Appeal of decree, 40-4-108
Application of laws
  purpose promoted by, 40-4-101
  uniformity, 40-4-102
Attorneys
  child, representation when, 40-4-205
  fees, how payable, 40-4-110, 40-4-205
Basis for, 40-4-101
Certificate, 50-15-303
Children
  counsel for when, 40-4-205
  custody, See **CHILD CUSTODY**
  jurisdiction of conciliation court, 40-3-111
  legitimacy when born after dissolution of marriage, 40-6-202
  protection, restraining order for — when, 40-4-106
  right to have attorney, 40-4-205
  support, See **CHILD SUPPORT**
  trust fund established when, 40-4-202
  visitation, See **CHILD CUSTODY**
  welfare of, effect on proceedings, 40-3-127
Clerk of the district court, duties, 40-4-108, 40-4-206
Commencement of proceedings, 40-4-105
Complaint, See **Petition**
Conciliation
  conference ordered when, 40-3-116, 40-4-107
  effect upon dissolution of marriage or separation proceedings, 40-3-127, 40-4-104
  jurisdiction of conciliation court, 40-3-111
  law, how affected, 40-4-107
  petition filed when, 40-3-121
Construction of laws, 40-4-101
Contested action, 40-3-111, 40-4-107
Costs, how payable, 40-4-110, 40-4-205
Counseling, See **CONCILIATION**
Custody proceedings, See **CHILD CUSTODY**
Declaration of invalidity decree, provisions applicable when, 40-1-402
Decree
  appeal, 40-4-108

DISSOLUTION OF MARRIAGE (Continued)

Decree (Continued)
  decree includes judgment, 40-4-103
  effect of, 40-4-103, 40-4-108
  entered when, 40-4-104, 40-4-105, 40-4-108
    temporary order or injunction, termination, 40-4-106
  failure of party to comply, 40-4-109
  final when, 40-4-108
    temporary order or injunction revoked or modified when, 40-4-106
  legal separation, conversion to dissolution decree when, 40-4-104, 40-4-108
  modification, 40-4-201, 40-4-208
  notice, 40-4-108
  recording, 50-15-302, 50-15-303, See also **VITAL STATISTICS**, generally
  separation agreement — terms set forth in, when, 40-4-201
Defenses, former — abolished, 40-4-105
Disability insurance, continued coverage for spouse, See **INSURANCE — DISABILITY, Individual family members continuity of coverage**
Evidence required, 40-4-104, 40-4-106
Fees, 40-4-110, 40-4-205
Findings of court, 40-4-104, 40-4-107
Grandparent visitation, See **CHILD CUSTODY**
Grounds for, 40-4-101, 40-4-104, 40-4-105, 40-4-107
Hearings, 40-4-107
  private when, 3-1-313
Hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Income tax, effect, 15-30-134
Initiation of proceedings, 40-4-105
Indigent parties, 40-4-205
Injunction
  failure of party to comply, 40-4-109
  spouse abuse, petition alleging, 40-4-106
  temporary, issued when, 40-4-106
Insurance, disability — continued coverage for spouse, See **INSURANCE — DISABILITY, Individual family members continuity of coverage**
Invalidation of marriage, See **MARRIAGE, Declaration of invalidity**
Irretrievable breakdown
  basis for dissolution, 40-4-101
  findings of court, 40-4-104, 40-4-107
  grounds, 40-4-107
  hearings required to determine, 40-4-107
  petition to allege, 40-4-105
Jurisdiction
  conciliation court, 40-3-111
  district court, requirements, 40-4-104
Legal separation, See this category generally; See also **Separation agreement**
Maintenance, See also **Property settlement**
  administrative enforcement, Title 40, chapter 5, part 2, See **CHILD SUPPORT**
  criteria to determine, 40-4-203
  declaration of invalidity decree, applicability, 40-1-402
  dissolution
    decree, how affected, 40-4-104
    petition, contents, 40-4-105
  failure of party to comply, 40-4-109
  modification when, 40-4-208
  payable to court when, 40-4-206
  property settlement, effect of, 40-4-202, 40-4-203
  reciprocal enforcement, Title 40, chapter 5, part 1, See **CHILD SUPPORT**
  separation agreement, provisions and effect, 40-4-201
  temporary orders or injunction issued when, 40-4-106
  termination when, 40-4-208
  wage assignment when, 40-4-207
Modification of decree when, 40-4-201, 40-4-208
Name of wife, former name restored, when, 40-4-108

DISSOLUTION OF MARRIAGE (Continued)

Paternity
  action joined with dissolution action, 40-6-109
  presumption when, 40-6-105
Payments, payable to court when, 40-4-206
Petition
  contents, 40-4-105
  form, 40-4-103
  irretrievable breakdown alleged by, 40-4-105
Pleadings, form, 40-4-103, 40-4-105
Privacy of proceedings, 3-1-313
Proceedings
  commencement, 40-4-105
  continuance, 40-4-107
  costs, how payable, 40-4-110, 40-4-205
  custody, See **CHILD CUSTODY**
  "decree" includes "judgment", 40-1-105, 40-4-103
  initiated when, 40-4-105
  injunction, temporary when, 40-4-106
  maintenance, order for, See **Maintenance**
  pleadings, 40-1-105, 40-4-103, 40-4-105
  privacy, 3-1-313
  rules of civil procedure, applicability, 40-1-105, 40-4-103
  separation agreement, 40-4-201
  support, See **CHILD SUPPORT**
  temporary orders when, 40-4-106
Process, service, 40-4-105; Title 25, chapter 20, M.R.Civ.P., Rule 4D
Property settlement, See also **Maintenance**
  criteria for determining, 40-4-202
  declaration of invalidity decree, applicability, 40-1-402
  dissolution decree, how affected, 40-4-104
  modification when, 40-4-208
  separation agreement, provisions and effect, 40-4-201
  temporary order or injunction issued when, 40-4-106
Purpose of laws, 40-4-101
Reciprocal enforcement of support, Title 40, chapter 5, part 1, See **CHILD SUPPORT**
Reconciliation, See **CONCILIATION**
Recording, 50-15-302, 50-15-303, See also **VITAL STATISTICS**, generally
Regulation by state, subject to, 40-1-103
Remarriage authorized when, 40-4-108
Residence requirements, 40-4-104
Restraining order, temporary — issued when, 40-4-106
Rules of civil procedure, applicability, 40-4-103, 40-4-105
Separate maintenance, See **Separation agreement**
Separation agreement
  abortion, notice to husband not required, 50-20-107
  conciliation proceedings
    effect on separation proceedings, 40-3-127
    jurisdiction of conciliation court, 40-3-111
    petition filed when, 40-3-121
  consideration for, 40-2-304
  contract for alteration of legal relation, 40-2-303
  earnings and accumulations as liability for debts when, 40-2-206
  enforcement, 40-4-201
  grounds for dissolution, 40-4-104
  maintenance, See **Maintenance**
  mutual consent as consideration for, 40-2-304
  property settlement, See **Property settlement**
  provisions and effect of, 40-4-201
  support of spouse, financial liability for, 40-2-104
  terms and effect, 40-4-201
  work and labor of married person, 40-2-207
Service of process, 40-4-105; Title 25, chapter 20, M.R.Civ.P., Rule 4D

DISSOLUTION OF MARRIAGE (Continued)

Spouse abuse, petition alleging, 40-4-106
Support proceedings, See **CHILD SUPPORT**
Temporary orders or injunction issued when, 40-4-106
  noncompliance, 40-4-109
Uniform Marriage and Divorce Act, Title 40, chapters 1 and 4, See generally **DISSOLUTION OF MARRIAGE; MARRIAGE**
Uniformity of laws, 40-4-102
Visitation rights, See **CHILD CUSTODY**
Vital statistics, 50-15-302, 50-15-303, See also **VITAL STATISTICS**, generally
Wife, restoration of former name when, 40-4-108

DISTRAINT, WARRANT FOR, See **REVENUE, DEPARTMENT OF**

DISTRIBUTION

See **ESTATES AND PROBATE PROCEEDINGS**

DISTRIBUTOR'S GASOLINE LICENSE TAX ACT, 15-70-103, 15-70-104, 15-70-201 — 15-70-212, 15-70-221 — 15-70-226, 15-70-232

See **TAXATION, Gasoline and vehicle fuels**, gasoline license tax

DISTRICT ATTORNEY

See **COUNTY ATTORNEY**; See also **PUBLIC OFFICERS**, generally

DISTRICT BOARDS OF HEALTH

See **HEALTH, LOCAL BOARDS AND DEPARTMENTS**

DISTRICT CLERK

See **CLERK OF THE DISTRICT COURT**

DISTRICT COURT JURISDICTION

Acupuncture, to enjoin practice of, 37-13-315
Administrative proceedings
  contested cases, judicial review, 2-4-603, 2-4-702
  subpoena enforcement or to compel testimony, 2-4-104
Administrative rules, validity or application, 2-4-506
Adoption proceedings, 40-8-107
  appeal, 40-8-127
Aeronautics
  enforcement of orders, 67-2-502
  investigations or hearings, 67-2-502
  violations, 67-3-427
Agency decisions, set aside when, 2-3-114
Agricultural associations
  dissent, appraisal remedy, 35-16-211
  incorporation, petition for, 35-16-202 — 35-16-204
  indebtedness, creation of, 35-16-403, 35-16-404
  withdrawal, 35-16-304
Agricultural seed processing plants, labelers, buyers, and warehouses — actions regarding, 80-5-207
Air quality violations, recovery of civil penalty, 75-2-413
Alcoholic beverage code violations, 16-6-106, 16-6-201, 41-5-203
Appellate jurisdiction, See also generally **APPEALS, CIVIL; APPEALS, CRIMINAL**
  adoption decree, judgment, or order, 40-8-127

DISTRICT COURT JURISDICTION (Continued)

Appellate jurisdiction (Continued)
- aeronautics licenses, denial, 67-3-104
- air quality orders, decisions regarding, 75-2-411
- banks and trust companies
  - closed banks, claim priority, 32-1-532
  - new bank authorization, 32-1-204
- child support enforcement hearings, 40-5-241
- cigarette excise tax, 16-11-144, 16-11-150
- city courts, appeal from, 3-11-301, 25-33-102, 46-17-311, See **APPEALS, CIVIL, Limited jurisdiction, from courts of**
- conservation district land use regulation variances, from decisions concerning, 76-15-726, 76-15-727
- consumer counsel, enforcement of discovery procedures, 69-2-203
- corporations, decision of secretary of state, 35-1-1304, 35-2-1103
- criminal, 46-17-311, 46-17-404
- dairy product licensees — from license denial, suspension, or revocation, 81-22-203
- defined, 3-5-303
- distraint, warrant for, 15-1-705
- eminent domain, 70-30-207, 70-30-304
- filing time, extension, Title 25, chapter 21, M.R.App.Civ.P., Rule 5
- garbage feeders
  - license revocation, 81-2-508
  - restraining orders, 81-2-507
- gasoline taxes, appeal of decisions of state tax appeal board, 15-70-111
- generally, 3-5-303
- health care facilities
  - certificate of need denials, 50-5-306
  - license denial, suspension, or revocation, 50-5-208
- health service corporation forms, order for discontinuance, 33-30-301
- highway patrol, disciplinary action, 44-1-901, 44-1-902
- income tax, appeal of decision of state tax appeal board, 15-30-148
- insurance, commissioner of — appeals from, 33-1-711
- insurance rating or advisory organizations, from orders regarding, 33-16-113
- insurers
  - holding company systems, from actions concerning, 33-2-1123
  - premiums owed, recovery — from actions concerning violations, 33-2-1362
- justice's court, appeal from, 25-33-102, 46-17-311, See **APPEALS, CIVIL, Limited jurisdiction, from courts of**
- livestock markets, certificates for operation — holders of or applicants for, 81-8-255
- mining rights-of-way, 82-2-209
- motor vehicle financial responsibility decisions or orders, 61-6-106
- municipal court judgments, 25-30-108, 46-17-404
- municipal utility rules and rate decisions, 69-7-113
- outfitters and guides — license revocation, suspension, or denial, 87-4-143
- planning and zoning decisions, 76-2-110
- produce wholesalers, license revocation, 80-3-609
- record on appeal, extension of transmittal time, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
- rendering or disposal plant licensees, appeal to restraining authority, 81-9-303
- safety orders, rules, and decisions of division of workers' compensation, 50-71-334
- school enrollment, decisions regarding excuses from, 20-5-102
- school property sale or disposal, resolution for, 20-6-604
- state tax appeal board decisions, 15-2-303
  - interlocutory adjudication, 15-2-305
- streambed alteration projects, final actions, 75-7-121
- surety on appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 8
- toys, determination as hazardous, 50-30-102, 50-30-220
- tramways, corrective order, 23-2-725
- unclaimed property, state tax appeal board decision, 70-9-312
- water pollution orders, 75-5-641
- water supply, public — from orders, rules, or standards, 75-6-111
- zoning and planning decisions, 76-2-110

DISTRICT COURT JURISDICTION (Continued)

Arbitration, 27-5-103
Architects, Board of — action to restrain violations by architects, 37-65-323
Architects, prosecution of violations by, 37-65-322
Assigned counsel, fees, 46-8-201
Assignment for benefit of creditors, 31-2-224, See **DEBTS, DEBTORS, AND CREDITORS**
Autopsies, order for, 50-21-103
Banks and trust companies
  advertisement of banking business without certificate, injunction restraining, 32-1-403
  cease and desist orders, 32-1-904, 32-1-910, 32-1-912
  commerce, department of
    obedience to subpoena, 32-1-211
    possession by, proceedings, 32-1-515
  common trust funds, accounting, 32-1-704
  corporate name restrictions, injunction restraining violations, 32-1-402
  electronic funds transfer terminal, unauthorized operation, 32-6-402
  fiduciary relationships, transfer
    affiliated banks, 32-1-808
    subsidiary trust company, 32-1-807
  insolvent banks
    application to borrow, approval, 32-1-507, 32-1-606
    assets
      inventory filed with court, 32-1-553
      liquidation of, proceedings, 32-1-538
    claims against bank, hearings on, 32-1-532
    federal deposit insurance corporation, approval of application to borrow from, 32-1-606
    federal government, approval of application to borrow from, 32-1-507
    liquidating agents, approval of compensation, 32-1-518
    possession by department of commerce, proceedings, 32-1-515
    recourse of aggrieved bank, proceedings, 32-1-516
    report and accounting filed with, 32-1-553
  removal of directors or officers, order for, 32-1-905, 32-1-910, 32-1-912
  suspension or prohibition from participation of directors or officers, 32-1-907, 32-1-908, 32-1-910, 32-1-912
Birth date, judicial determination, 27-32-101, 27-32-103, 50-15-205
Building and loan associations
  electronic funds transfer terminal, unauthorized operation, 32-6-402
  insolvency proceedings, 32-2-309
Building codes, injunction of violations, 50-60-109
Bulk transfer payments, 30-6-106
Cemetery associations, matters respecting trustees, 35-20-302 — 35-20-305, 35-20-307
Certiorari, 3-5-302, 3-5-311, 27-25-102
Chambers, judges' power at, 3-5-311, 3-5-312
Child custody
  determination, 40-4-211
  residence of child, determination, 1-1-215
  uniform child custody jurisdiction act, proceedings under, 40-7-104, 40-7-108
Children, See **Minors**
Child support proceedings, See **CHILD SUPPORT**, **Administrative enforcement**; **Reciprocal enforcement**
Chiropractors, prosecution of violations by, 37-12-324
Cigarette Sales Act violations, 16-10-402
Civil defense — vacancy on boards of county commissioners, appointments to fill, 10-3-603
Civil rights enforcement, 49-2-503, 49-2-508, 49-3-303, 49-4-102
Commerce, Department of — subpoenas issued by, 20-30-201
Commercial feeds
  judicial review of decisions regarding, 80-9-303
  warrants for inspection, 80-9-301
Commercial fertilizers
  complaints regarding, 80-10-302
  violations, judicial review, 80-10-303
Commercial paper, overdue, 30-3-123

DISTRICT COURT JURISDICTION (Continued)

Community college district trustees, complaints concerning, 20-15-227
Conciliation
  court, 40-3-111
  laws, determination of applicability, 40-3-104
Concurrent jurisdiction
  justice's courts, 3-5-302, 3-10-302, 3-10-303
  municipal courts, 3-6-103
Conservation district land use regulations, enforcement, 76-15-709, 76-15-710
Consumer Counsel, violation of discovery procedure, 69-2-203
Consumer loan businesses
  commerce, department of — subpoena, production of records, 32-5-404
  electronic funds transfer terminal, unauthorized operation, 32-6-402
  violations of provisions generally, restraint, 32-5-405
Consumer protection, 30-14-111, 30-14-131, 30-14-133, 30-14-142, See **TRADE REGULATION AND COMPETITION, Unfair practices**
Consumer reports, 31-3-151
Contraceptives, unlawful sale and advertisement, 45-8-204
Contracts, public
  construction, wage disputes, 18-2-407, 18-2-408
  disputes with state, 18-1-401
Cooperative associations, dissolution, 35-15-412
Corporations
  dissent, payment of shares upon, 35-1-812
  liquidation, 35-1-921, 35-1-922
    nonprofit corporations, 35-2-711, 35-2-712
  meetings, order to hold, 35-1-501
  secretary of state, appeal of decisions, 35-1-1304, 35-2-1103
Cosmetics, adulterated or misbranded, 50-31-509
Cosmetologists, Board of — appeals from actions by, 37-31-333
Cosmetology provisions, restraining and enjoining violations concerning, 37-31-334
County assessor, for removal from office, 15-1-202
County attorney, declaration of vacancy in office, 77-1-114
County commissioners, board of
  election, tie vote, 13-16-505
  school debt service fund deficiency, failure to fix and make levy for, 20-9-439
Credit reports, 31-3-151
Credit unions
  electronic funds transfer terminal, unauthorized operation, 32-6-402
  involuntary liquidation, 32-3-205
Criminal justice information
  agent, authorization order to obtain, 44-5-214
  dissemination, 44-5-302
  enforcement of provisions, 44-5-111
Criminal offenses, 3-5-302, 46-2-201
  appeals, 46-17-311, 46-17-404
  assigned counsel, fees, 46-8-201
  detainers, interstate agreement, 46-31-102
  extradition, extension of time for bail or confinement, 46-30-304
  habeas corpus, 3-5-302, 3-5-311, 46-22-202
  information, leave to file, 46-11-201
  investigative subpoenas, 46-4-301
Custody, See **Child custody**
Dairy products, manufactured — new or amended rules concerning, 81-22-103
Defined, 3-5-301
Delinquent children, See **Minors**, generally
Dentistry, Board of — investigations, hearings, or proceedings, 37-4-324
Dentists, hearings regarding violations by, 37-4-328
Depositions, issuance of subpoenas, Title 25, chapter 20, M.R.Civ.P., Rule 28(d)
Detainers, interstate agreement, 46-31-102
Discrimination
  contested case hearings, actions for attorney's fees, 49-2-505
  enforcement of laws respecting, 49-2-503, 49-2-508, 49-3-303, 49-4-102

DISTRICT COURT JURISDICTION (Continued)

Disinterment, 35-21-305
Dissolution of marriage, 40-4-104
Distraint, warrant for, 15-1-704, 15-1-705
Drivers' licenses — appeals from cancellation, suspension, or revocation, 61-5-211
Drugs
  addicts, complaints against, 37-2-111
  adulterated or misbranded, 50-31-509
  dangerous, offenses involving, 44-12-103, 45-9-201
Educational impact statement requirements, enforcement, 20-1-209
Elections, 13-35-108
  ballot issues, review of attorney general statements, 13-27-316
  campaign violations, 13-37-113, 13-37-122
  contest, 13-36-102, 13-36-103, 13-36-206, 13-37-113
  county commissioners, tie vote, 13-16-505
  criminal actions, 13-35-108, 13-37-113
  nominations, injunction when improper, 13-35-221
  recounts under court order, 13-16-301, 13-16-304
  registration of elector, to compel, 13-2-602
Electric suppliers, See **Utilities**
Electronic funds transfer terminal, unauthorized operation, 32-6-402
Elisors, appointment, 25-3-206
Eminent domain, 70-30-102, 70-30-202, 70-30-207, 70-30-304
Environmental Quality Council, contempt proceedings, 75-1-312
Execution
  homestead, execution on, 70-32-203
  judgment debtor, release, 25-14-302
Exercise of jurisdiction, 3-1-113
Extent, 3-5-312
Extradition, extension of time for bail or confinement, 46-30-304
Facility siting
  decision by board, judicial review, 75-20-406
  requirements or rules, enforcement, 75-20-404
  violations, actions concerning, 75-20-408
Finance companies, See **Consumer loan businesses**
Fire hazards, order to repair or demolish, 50-62-103
Firewardens, vacancy in office declared when, 77-5-106
Food, adulterated or misbranded, 50-31-509
Forcible entry and unlawful detainer, 3-6-103, 70-27-101
Forest fire
  hazard provisions, enforcement proceedings, 76-13-410
  protection amount, collection, 76-13-211
Gambling
  card games, authorized — violation of provisions, 23-5-332
  sports pools, violation of provisions, 23-5-510
Generally, Title 3, chapter 5, part 3
Grain merchandisers, injunctions against, 80-4-208
Grazing districts, trespassing livestock — recovery of excess charge for damage by, 76-16-314
Habeas corpus, 3-5-302, 3-5-311, 46-22-202
Habitual traffic offenders
  complaint, filing, 61-11-205
  show cause orders, issuance, 61-11-208
  trial, 61-11-214
Habitual users of drugs, complaints against, 37-2-111
Hail Insurance, Board of — suits against, 80-2-243
Hazardous substances, 50-30-102, 50-30-220, 50-30-307
Hazardous waste violations, recovery of civil penalty, 75-10-417
Health care facilities
  certificate of need denials, appeal, 50-5-306
  license
    denial, suspension, or revocation — appeal, 50-5-208
    violations, injunction, 50-5-221

DISTRICT COURT JURISDICTION (Continued)

Health service corporations
  forms, order for discontinuance, 33-30-301
  injunction to restrain violations, 33-30-113
Highway patrol, disciplinary action, 44-1-901, 44-1-902
Highways, Department of — personnel grievances, 2-18-1003
Homestead, execution, 70-32-203
Hospitals, See **Health care facilities**
Human rights enforcement, 49-2-503, 49-2-508, 49-3-303, 49-4-102
Implementation, 3-1-113
Injunctions, 3-2-205, 3-5-302, 3-5-311
Installment sales finance companies, 31-1-211
Insurance
  commissioner of
    appeals from, 33-1-711
    stay of action, 33-1-702
  examinations, investigations, or hearings — witnesses' disobedience to subpoenas, 33-1-315
  information and privacy protection violations, relief, 33-19-407
  liability — assigned risk plans, review of orders or acts concerning, 61-6-144
  premiums, approval of payment when, 33-15-103
Insurers
  ancillary receiver, petition for appointment, 33-2-1382
  cease and desist orders, violations — petition for recovery of penalty, 33-18-1005
  conservator, order for appointment, 33-2-1379
  delinquency proceedings, venue, 33-2-1308
  domiciliary liquidator, approval for transfer of titles to, 33-2-1381
  holding company systems
    appeals, 33-2-1123
    criminal proceedings, institution, 33-2-1120
    injunction, order for, 33-2-1118, 33-2-1119
    mandamus, writ of — order for, 33-2-1123
    mergers or acquisition of control, violations concerning, 33-2-1106
    sequestration of voting securities, 33-2-1119
  liquidation
    assessments, levy, 33-2-1360
    assets, order for, 33-2-1380
    order for, petition, 33-2-1336, 33-2-1341
    premiums owed, recovery — appeals from actions concerning violations, 33-2-1362
    proceedings, summary jurisdiction, 33-2-1354
    receiver's books, audit, 33-2-1378
    reopening, petition for, 33-2-1376
  rehabilitation order, petition for, 33-2-1331
    termination, order for, 33-2-1336
  restoration of possession of property and control of business, order for, 33-2-1336
  supervision proceedings
    confidentiality of records, 33-2-1323
    orders, penalty for violations, 33-2-1321
    seizure order, petition for, 33-2-1322
  unauthorized, actions concerning surplus line coverages, 33-2-314
Investment companies, See **Banks and trust companies**
Junkyards, injunction to abate nuisance, 75-15-205
Justice's court
  appellate jurisdiction, See **APPEALS, CIVIL, Limited jurisdiction, from courts of**
  concurrent jurisdiction, 3-10-302, 3-10-303
  transferred action, 25-31-102
Juveniles, See **Minors**
Kinds enumerated, 3-5-301
Lake restoration provisions, 75-7-205, 75-7-215
Landlord and tenant actions, 70-24-103
Legal separation, 40-4-104
Legislative Council subpoena, obedience to, 5-11-107
Liens
  foreclosure, 71-3-124

DISTRICT COURT JURISDICTION (Continued)

Liens (Continued)
  loggers' liens, 71-3-611, 71-3-612, 71-3-614 — 71-3-616
  oil and gas wells and pipelines, laborers' and materialmen's liens on, 71-3-1010
Limited partnerships
  assignment of interest, 35-12-605
  dissolution, 35-12-705
  winding up, 35-12-1203
Livestock
  stolen, confiscation and sale of vehicle used to transport, 81-5-104
  trespassing, actions to recover damages by, 81-4-307
Livestock markets, dealers, and brokers — injunction proceedings, 81-8-236
Loan companies, See **Consumer loan businesses**
Lobbying violations, 5-7-305
Mandamus, 3-5-302, 3-5-311, 27-26-102
Marriage
  counseling for, when, 40-1-213
  invalidity, declaration of — decree issued when, 40-1-402
  license
    effective date, 40-1-212
    issuance ordered by, when, 40-1-213
  proxy, authorization and petition for, 40-1-213, 40-1-301
  putative spouse, apportionment of rights, 40-1-404
Mausoleums and columbariums
  dedication of property, removal, 35-21-410
  remains, removal, 35-21-305
Medical Examiners, Board of — witnesses, failure to obey subpoenas, 37-3-328
Milk price control violations, 81-23-405, 81-23-406
Milk producers, producer-distributors, distributors, and jobbers — civil penalty proceedings, 81-23-204, 81-23-405
Mineral trusts, 82-1-302
Mines and mining
  metal mine reclamation
    costs, recovery, 82-4-341
    violations, 82-4-361
  opencut mine violations, 82-10-441
  rights-of-way, 82-2-203, 82-2-209
  royalties, accounting, 82-10-101
  safety and health violations, 50-72-103, 50-73-104
  strip and underground mine operation violations, 82-4-252, 82-4-254
  strip and underground mine siting violations, 82-4-141, 82-4-142
  survey of mining claim, 70-19-204
Minors
  abused, neglected, and dependent, 40-4-211, 41-3-103, 41-3-106, 41-3-406
  custodial care, financial ability of parent or guardian, 41-5-806
  interstate compacts
    juveniles, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
    placement of children, Title 41, chapter 4, See **MINORS, Interstate Compact on the Placement of Children**
  interstate placement of, 41-4-108
  motor vehicles, unlawful operation, 61-12-601, 61-12-703
  records, law enforcement — inspection by court permitted when, 41-5-602
  residence, determination, 1-1-215
  youth court, transferred from, 41-5-204, 41-5-206
Misconduct, official, 45-7-401
Montana quality label violations, 81-8-705
Mortgages, 71-1-234
Motor carriers, recovery of excess charges paid to, 69-12-511
Motor vehicle graveyards and wrecking facilities, actions concerning, 75-10-541
Motor vehicles
  assigned risk plans, review of orders or acts concerning, 61-6-144
  franchise termination or cancellation, court orders to enforce provisions, 61-4-206

DISTRICT COURT JURISDICTION (Continued)

Motor vehicles (Continued)
    manufacturers, distributors, importers, or dealers — action to restrain and enjoin, 61-4-209
    minors, unlawful operation by, 61-12-601, 61-12-703
Municipal courts, concurrent jurisdiction, 3-6-103
Name, change of, 27-31-101 — 27-31-103
Naturalization, 3-5-302
    declaration of intention, recording of, 3-5-514
    fee, 3-5-515
Negotiable instruments, overdue, 30-3-123
Nurses, violations by, 37-8-443
Official misconduct, 45-7-401
Oil and gas
    board of oil and gas conservation
        contempt to, 82-11-142
        decisions, adjudication, 82-11-144
    damage to property of surface owner, 82-10-508
    royalty accounting, 82-10-101
    violations, 82-11-147
Open meeting provisions, voidability of decisions made in violation of, 2-3-213
Optometrists' violations
    injunction to restrain, 37-10-301
    prosecution, 37-10-312
Original jurisdiction, 3-5-302
Partition, consent to action by infant, 70-29-102
Paternity proceedings, 40-6-109
    acknowledgment, filing, 40-6-105
    judgment, modification or revocation, 40-6-118
    notice of intent to claim paternity filed when, 40-6-126
    personal jurisdiction, 40-6-109
    petition of intent to release expected child filed when, 40-6-127
Pesticides
    condemnation, 80-8-303
    injunction to restrain violations, 80-8-306
Possession of real property, 70-16-402
Pregnancy, waiver of serological test requirements, 50-19-109
Probate matters, 3-5-302, 3-5-311
    records, 3-5-513
Process, extent, 3-5-304, 3-5-312
Product safety, 50-30-102, 50-30-220, 50-30-307
Professional Engineers and Land Surveyors, Board of — subpoenas for witnesses' appearance before, 37-67-202
Prohibition, writ of, 3-5-302, 3-5-311, 27-27-102
Psychology, to enjoin practice of, 37-17-313
Public contractors, complaints against, 15-50-302
Public employees, grievances, 2-18-1013
Public officers, delivery of records, 2-6-107
Public officers and employees, complaints regarding appropriation overspending, 17-8-104
Public Service Commission orders
    challenges, 69-3-402
    injunction to stay and suspend, 69-3-403
    review, 69-3-404
Public Service Commission proceedings, injunction, 27-19-203
Public utilities, See **Utilities**
Quieting title
    entry townsite land, 70-28-302, 70-28-304
    personal property, 70-2-201
    real property, 70-28-201
Quo warranto, 3-5-302, 3-5-311, 27-28-105
Railroads
    actions by public service commission
        court review, 69-14-401

DISTRICT COURT JURISDICTION (Continued)

Railroads (Continued)
  actions by public service commission (Continued)
    enforcement, 69-14-134
      appeals from, 69-14-135
    reasonableness, to determine, 69-14-402
  charter, forfeiture, 69-14-537
  excess charges, recovery actions, 69-14-322
  fireguard maintenance violations, actions regarding, 69-14-722
  freight line company's license tax, action to recover, 15-55-107
  grade crossing interlocking plants and structures, hearings for construction and use, 69-14-239
  grain elevators or warehouses
    compensation, determination, 69-14-903
    location for, determination, 69-14-901
  investigations, petition for attendance of witnesses, 69-14-113
  rates, charges, and classifications — actions to determine reasonableness, 69-14-402
Real estate broker or salesman violations, conviction, 37-51-323
Recall petitions, sufficiency, 2-16-615
Receivers, appointment, 27-20-103
Recovery of possession of real property, 70-16-402, 70-19-204
Reentry, action for, 70-16-402, 70-27-107
Residence of child, 1-1-215
Rules of Civil Procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 82
Safety hearings before Division of Workers' Compensation
  judicial review, 50-71-334
  witness, compelling of, 50-71-303
Sales finance companies, 31-1-211
Savings and loan associations, See **Building and loan associations**
Savings banks, See **Banks and trust companies**
School debt service fund deficiency, county commissioners failure to fix and make levy for, 20-9-439
School immunization requirements, enforcement, 20-5-410
Service of process, appointment of elisor, 25-3-206
Small claims court created within, 3-12-102, See **SMALL CLAIMS COURT — DISTRICT COURT**
Solid waste management actions, 75-10-231
Speech pathology and audiology, to enjoin practice of, 37-15-323
Subdivisions out-of-state, in-state sales
  generally, 76-4-1250
  investigations, compelling compliance, 76-4-1207
  violations, to enjoin, 76-4-1244
Substitute judge, 3-5-111, 3-5-113, 3-5-312, 3-5-402
Support, reciprocal enforcement, 40-5-111
Sureties on appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 8
Swimming pool or area violations, 50-53-104
Table wine sales, actions concerning unfair competition, 16-2-303
Taxation
  assessment protest, declaratory judgment, 15-2-307, 15-2-309
  corporate taxes, production of evidence, 15-31-505
  county assessor, removal from office, 15-1-202
  freight line company's license tax, action to recover, 15-55-107
  gasoline taxes, appeal of decisions of state tax appeal board, 15-70-111
  income tax, individual — appeal of state tax appeal board decision, 15-30-148
  military personnel, stay of enforcement against, 15-30-314
  officers, removal, 15-1-202
  protest payments, declaratory judgment, 15-1-406, 15-1-408
  state tax appeal board decisions
    appeal, 15-2-303
    interlocutory adjudication, 15-2-304, 15-2-305
  tax deeds, actions for, 15-18-301
Territorial extent, 3-5-312

DISTRICT COURT JURISDICTION (Continued)

Tort actions against governmental entities, 2-9-311
  compromise or settlement of claims, approval, 2-9-303
Toys and children's articles, review of determination as hazardous, 50-30-102, 50-30-220
Tramways
  appeal from department of administration order, 23-2-725
  injunctive proceedings against operator, 23-2-724
Trust companies, See **Banks and trust companies**
Trust indentures, foreclosure, 71-1-316
Trusts, See **Banks and trust companies**
Tuberculosis — commitment or examination, court order, 50-17-105
Types enumerated, 3-5-301
Unclaimed property, appeal of state tax appeal board decision, 70-9-312
Unfair trade practices, 30-14-111, 30-14-131, 30-14-133, 30-14-142, 30-14-220, 30-14-221, See **TRADE REGULATION AND COMPETITION, Unfair practices**
Uniform Child Custody Jurisdiction Act, 40-7-104, 40-7-108
Unlawful detainer, 3-6-103, 70-27-101
Utilities
  electric suppliers
    complaints concerning, 69-5-111
    disputes, 69-5-110
    engineer, consultant — selection, 69-5-106
  fines or penalties, actions for recovery, 69-3-110
  lines, overhead — relocation, 69-4-402 — 69-4-404
  orders by public service commission, challenges, 69-3-402
Veterans
  employment preference, enforcement, 10-2-206, 10-2-214
  reemployment with full benefits, enforcement, 10-2-226
Veterinarians, injunction to restrain or prosecution of violations by, 37-18-202, 37-18-501, 37-18-502
Water quality
  emergencies, action for injunction, 75-5-622
  violations, actions for injunctions, 75-5-614
Water supply, public — injunction for compliance with orders, rules, or standards, 75-6-111
Wine sales, actions concerning unfair competition, 16-2-303
Writs, 3-5-302, 3-5-311, 27-25-102, 27-26-102, 27-27-102, 27-28-105, 46-22-202
Youth court, concurrent with when, 41-3-103

DISTRICT COURTS

  See also generally **CIVIL PROCEDURE**; **COURTS**; **CRIMINAL PROCEDURE**; **JUDGES AND JUSTICES**

Acknowledgments, certification by judge, 3-1-404
Adjournment, See also **COURTS**
  jury absence, during, 25-7-303
  multicounty districts, 3-5-401, 3-5-402
  sheriff as crier, 3-5-407
Affidavits, certification by judge, 3-1-404
Appeals, See **APPEALS, CIVIL**, generally; **APPEALS, CRIMINAL**, generally; **DISTRICT COURT JURISDICTION**
Appellate jurisdiction, 3-5-301, 3-5-303, See also **DISTRICT COURT JURISDICTION**
Audit reports issued to, 2-7-514
Budget, Title 7, chapter 6, parts 23 and 25
Calendar, See also **Docket**
  placement on, procedure, Title 25, chapter 20, M.R.Civ.P., Rule 40
  precedence on, See **COURT CALENDAR PRECEDENCE**
  pretrial calendar, Title 25, chapter 20, M.R.Civ.P., Rule 16
Certiorari, writ of, See **Writs**
City attorney, prosecution by, 3-11-301
Civil procedure, See **CIVIL PROCEDURE**
Clerk of the District Court, See **CLERK OF THE DISTRICT COURT**
Conciliation court, district court as, 40-3-111, See **CONCILIATION**

DISTRICT COURTS (Continued)

Contempt, See **CONTEMPT**, generally
Convening hours, Title 25, chapter 20, M.R.Civ.P., Rule 77(a)
County funding, Title 7, chapter 6, parts 23 and 25
Court of justice, enumerated as, 3-1-101
Court of record, enumerated as, 3-1-102
Court reporters, See **Reporters**
Crier of the court, sheriff as, 3-5-407
Criminal proceedings, 46-1-101, See **CRIMINAL PROCEDURE**
Depositions, certification by judge, 3-1-404, See also **DEPOSITIONS**, generally
Districts, See **Judicial districts**
Docket, See also **COURT CALENDAR PRECEDENCE**
    contents, 3-5-508
    form, 3-5-508
    public availability, 3-5-509
Emergency powers, 3-5-405
Facilities, provisions for, 3-5-404; Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
Grand jury, See **JURIES AND JURORS**
Habeas corpus, writ of, See **Writs**
Hours court open, Title 25, chapter 20, M.R.Civ.P., Rule 77(a)
Injunctions, jurisdiction, 3-2-205, 3-5-302, 3-5-311, See also **INJUNCTION, WRIT OF**, generally
Inquest, jury of, See **JURIES AND JURORS**
Judges, See also **JUDGES AND JUSTICES**, generally
    acknowledgments
        certification, 3-1-404
        proof taken by, 1-5-101
    acting judge, appointment by governor, 10-2-227
    affidavits, certification by, 3-1-404
    appeals
        statement of evidence, approval, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
        undertakings when appeal from court of limited jurisdiction, approval, 25-33-207
    apportionment of business in multijudge district, 3-5-403
    attachment
        sureties of plaintiff, justification before, 27-18-716
        undertaking of defendant, approval, 27-18-301
    attorneys at law
        complaints against, filing, 37-61-305
        surety on bond, as — consent, 37-61-419
    chambers
        assignment for benefit of creditors, notice to creditors returnable to, 31-2-222
        custody proceedings, interview of child, 40-4-214
        new trial, decision on, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
        powers at, 3-5-311, 3-5-312; Title 25, chapter 20, M.R.Civ.P., Rule 77(b)
        provisions for, 3-5-404
    citizenship requirements, 3-5-202
    conciliation court
        counselors, appointment by judges, 40-3-124
        provision for, applicability determined, 40-3-104
        selection for, 40-3-112, 40-3-113
    conflict of interest, 3-1-601 — 3-1-603, 46-18-902
    contempt, See **CONTEMPT**
    county commissioners, emergency appointment of, 10-3-603
    deaf and blind, Montana state school for the — orders concerning indigent children, 20-8-108
    death, approval of statement of evidence on appeal, 46-20-304; Title 25, chapter 21, M.R.App.Civ.P., Rule 9
    decision, failure of judge, 3-5-212
    defined, 1-1-202, 46-1-201
    depositions, certification, 3-1-404
    disciplinary proceedings, See **JUDGES AND JUSTICES**, **Judicial Standards Commission**

DISTRICT COURTS (Continued)

Judges (Continued)
- disqualification, 25-4-101, 25-10-205; Title 25, chapter 20, M.R.Civ.P., Rule 12(b), See also **JUDGES AND JUSTICES**
  - appeals, approval of statement of evidence, 46-20-304; Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  - election recounts, action for, 13-16-304
- districts, assignment to, 3-5-102
- driver improvement program, referrals to, 61-2-302
- election, See **ELECTIONS**, **Judicial candidates**
- emergency powers, 3-5-405
- executive clemency, copy of notice and order to, 46-23-303
- expenses, 3-5-211, 3-5-213 — 3-5-216
- filing of papers with, Title 25, chapter 20, M.R.Civ.P., Rule 5(e)
- indictment against, 46-11-332
- information against, 46-11-202
- injunctions, powers respecting, 3-5-302, 3-5-311
- investigation of, See **JUDGES AND JUSTICES**, **Judicial Standards Commission**
- judgments, powers respecting, 3-5-311, 3-5-312
- judicial nomination commission
  - appointment to, 3-1-1001
  - nomination by, See **JUDGES AND JUSTICES**, **Judicial Nomination Commission**
- judicial standards commission
  - appointment to, 3-1-1101, 3-1-1102
  - discipline by, See **JUDGES AND JUSTICES**, **Judicial Standards Commission**
- juries and jurors
  - additional jurors
    - drawing by, 25-7-206
    - order designating number, 3-15-506
  - drawing by, 25-7-202, 25-7-204
  - grand jury, order to summon by, 3-15-601, 3-15-604
- jurisdiction, Title 3, chapter 5, part 3, See also **DISTRICT COURT JURISDICTION**
- justice of the peace, designation of successor, 3-10-514
- livestock markets, certificates for operation — appellant's bonds, approval, 81-8-255
- livestock owners' bonds, approval, 81-4-307
- lobbying and lobbyists, See **LOBBYING AND LOBBYISTS**
- magistrate, defined as, 46-1-201
- masters, appointment by, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
- minors, offenses transferred to district court — acceptance, 41-5-206
- motor vehicle financial responsibility, approval of bonds as proof of, 61-6-137
- multijudge district, apportionment of judicial business in, 3-5-403
- nomination, See **JUDGES AND JUSTICES**, **Judicial Nomination Commission**
- number assigned to judicial districts, 3-5-102
- oath of office, 3-5-201
- official bonds
  - lien on real estate of surety, order regarding payment of purchase price, 2-9-528
  - statement for release of surety filed with, 2-9-523
- optometrists, temporary restraining orders or final injunction, 37-10-301
- powers generally, See **JUDGES AND JUSTICES**, generally
- probate judge, ex officio, 70-28-304
- pro tempore judge, 3-5-113
- process, power to issue, 3-5-311, 3-5-312
- qualifications, 3-5-202
- referees, appointment by, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
- reporters
  - appointment, 3-5-601
  - salary set by, 3-5-602
- requirements for appointment or election, 3-5-202
- residence requirements, 3-5-202
- restrictions generally, Title 3, chapter 1, part 6, See **JUDGES AND JUSTICES**, generally
- retired
  - assistance by, 19-5-103
  - water judges, as, 3-7-201, 3-7-213, 3-7-221

DISTRICT COURTS (Continued)

Judges (Continued)
- review division of supreme court, appointment to, 46-18-901
- review of, See **JUDGES AND JUSTICES, Judicial Standards Commission**
- rules of civil procedure, appointment to advisory committee on, 3-2-702
- salary and expenses
  - annual salary, 3-5-211
    - affidavit as to pending business required when, 3-5-212
  - expenses
    - claim for reimbursement, 3-5-214, 3-5-216
    - multicounty districts, travel expenses in, 3-5-215, 3-5-216
    - out of district, 3-5-213
    - travel, 3-5-211, 3-5-213, 3-5-215
- school attendance, compulsory — excused when, 20-5-102
- selection, See **JUDGES AND JUSTICES, Judicial Nomination Commission**
- sentencing data on, to supreme court, 46-18-604
- session laws, copies to, 5-11-203
- sitting outside assigned district, 3-5-111, 3-5-112, 3-5-312
- small claims court, duties respecting
  - apportionment of business in multijudge court, 3-12-105
  - convening hours set by, 3-12-105
  - establishment, 3-12-103
  - judges, appointment, 3-12-201
  - removal of action to, by district judge, 3-10-1004, 3-12-106
  - salary of small claims court judge set by, 3-12-201
- small claims division of justice court, referral of action to, 3-10-1004
- streambed alteration project arbitration panels, selection, 75-7-114
- substitute judge
  - authorized when, 3-1-802, 3-5-111
  - costs, 25-10-205
  - gubernatorial order, 3-5-111, 3-5-112, 10-2-227
  - jurisdiction, 3-5-111, 3-5-113, 3-5-312, 3-5-402
  - procedure, 3-1-802; Title 25, chapter 20, M.R.Civ.P., Rule 12(b)
  - pro tempore judge, 3-5-113
  - review division of supreme court, 46-18-901
- supreme court decisions to, 3-2-604
- term of office, 3-5-203
  - computation, 3-5-204
- testimony
  - self-incriminating, may compel, 46-15-311
  - videotaped proceedings, presence at, 46-15-402
- travel expenses, 3-5-211, 3-5-213 — 3-5-216
- vacancy in office
  - forced, 3-1-607, 3-1-608
    - appeals, approval of statement of evidence, 46-20-304; Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  - nomination, See **JUDGES AND JUSTICES, Judicial Nomination Commission**
- venue, power to change, 3-5-405
- water judges, selection, 3-7-201, 3-7-213
  - chief water judge, selection from, 3-7-221
- weapons, permission to carry granted by, 45-8-319
- writs, powers respecting, 3-5-302, 3-5-311
- youth court, Title 41, chapter 5, part 2, See **YOUTH COURT**

Judgment book, 3-5-507

Judgments, See **JUDGMENTS AND DECREES**

Judicial districts
- assignment of judges, 3-5-102
- enumerated, 3-5-101
- judges
  - assignment, 3-5-102
  - sitting outside assigned district, 3-5-111, 3-5-112, 3-5-312
- list to secretary of state, 13-1-204
- multicounty districts, special provisions, 3-5-215, 3-5-216, 3-5-401, 3-5-402

DISTRICT COURTS (Continued)

Judicial districts (Continued)
  multijudge districts, special provisions, 3-1-802, 3-5-403
  number of judges assigned, 3-5-102
  sitting outside assigned district, judges may when, 3-5-111, 3-5-112, 3-5-312
Juries and jurors, See **JURIES AND JURORS**
Jurisdiction, See **DISTRICT COURT JURISDICTION**
Jury, See **JURIES AND JURORS**
Juvenile court, See **YOUTH COURT**
Mandamus, writ of, See **Writs**
Masters, appointment by, Title 25, chapter 20, M.R.Civ.P., Rule 53(a), See **COURTS, Masters**
Minute book, See also **Records of the court**
  clerk of the court to keep, 3-5-501
  contents generally, 3-5-501
  default judgments, proceedings, 3-5-311
  findings of fact and conclusions of law, entry of consent to waiver, 25-7-601
  judgment, default, 3-5-311
  judicial business, order apportioning, 3-5-403
  jurors, drawing, 3-15-503, 25-7-206
  naturalization, order, 3-5-514
  new trial, motion on, 25-11-104; Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
  reporter, order for excuse from duty, 3-5-611
Motions and orders, See also **MOTIONS AND ORDERS**, generally
  reapplication as contempt, 3-1-502, 3-1-503
Multijudge districts
  apportionment of judicial business, 3-5-403
  assignment of case, 3-1-802
  number of judges, 3-5-102
Municipal courts, applicability of laws, 25-30-101
New counties, transfer of pending actions, Title 7, chapter 2, parts 22 and 24
Original jurisdiction, 3-5-301, 3-5-302, See also **DISTRICT COURT JURISDICTION**, generally
Place of convening court, See **Venue**
Procedure, 46-1-101; Title 25, chapter 20, M.R.Civ.P., Rule 1, See generally **CIVIL PROCEDURE; CRIMINAL PROCEDURE**
Process of court, See also **CIVIL PROCEDURE, Process**
  clerk of the court, duties, 3-5-501; Title 25, chapter 20, M.R.Civ.P., Rule 77(d)
  extent, 3-5-304, 3-5-312
  issuance at chambers, 3-5-311
Prohibition, writ of, See **Writs**
Pro tempore judges, 3-5-113, See also **Judges**
Pro tempore reporter, 3-5-611, 3-5-612, See also **Reporters**
Quo warranto, writ of, See **Writs**
Recesses, See **Adjournment**
Records of the court
  arraignments, 46-12-205
  calendar, See **Docket; COURT CALENDAR PRECEDENCE**
  clerk of the court to keep, 3-5-501
  criminal actions
    bonds index, 3-5-506
    register, 3-5-505
  docket, 3-5-508, 3-5-509
  fee book, 3-5-501
  indexes, 3-5-501 — 3-5-503, 3-5-506, 3-5-513
  judgment book, 3-5-507
  jurors' certificates, 3-5-510
  minute book, See **Minute book**
  naturalization records, 3-5-514
  probate records, 3-5-513
  register of actions, 3-5-501, 3-5-504
  seal of court required when, 3-1-206
  witness book, 3-5-510 — 3-5-512

DISTRICT COURTS (Continued)

Referees, appointment by, Title 25, chapter 20, M.R.Civ.P., Rule 53(a), See **COURTS, Referees**
Reporters
  appointment, 3-5-601
  costs, 25-10-201
  death, new trial when, 25-11-102
  duties generally, 3-5-603
  evidence, reporter's transcript as, 3-5-612; Title 25, chapter 20, M.R.Civ.P., Rule 80
  excuse from duty, 3-5-611
  expenses, 3-5-602
  fees, 25-1-202, 25-10-201
  jury requests for further information, recording, 25-7-405
  oath of office, 3-5-601
  powers and duties generally, 3-5-603
  pro tempore reporter, 3-5-611, 3-5-612
  salary, 3-5-602, 25-1-202
  small claims court, duties in, 25-34-302
  transcripts of judicial proceedings, See also **CIVIL PROCEDURE, Transcript of proceedings; CRIMINAL PROCEDURE, Transcript of proceedings**
    appeal, certification on, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
    distribution of copies, 3-5-604
    duty to make, 3-5-603
    fees for, 3-5-604
    original notes, filing with clerk of the court, 3-5-603
    prima facie evidence, as, 3-5-612; Title 25, chapter 20, M.R.Civ.P., Rule 80
  travel expenses, 3-5-602
Retired judges or justices, assistance by, 19-5-103
Rules of Civil Procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 1
Rules of court
  adoption, 3-1-112, 3-2-704; Title 25, chapter 20, M.R.Civ.P., Rule 83
  calendar, placement of actions on, Title 25, chapter 20, M.R.Civ.P., Rule 40
  failure to adopt, 3-1-112
  rules of civil procedure, consistency with, 3-2-704; Title 25, chapter 20, M.R.Civ.P., Rule 83
Seal of the court
  affixation when, 3-1-206
  clerk of the court, duties, 3-1-203, 3-1-204
  description, 3-1-203
  required, 3-1-201
  subpoenas, upon, Title 25, chapter 20, M.R.Civ.P., Rule 45(a)
  summons, upon, Title 25, chapter 20, M.R.Civ.P., Rule 4C
  writ of execution, upon, 25-13-301
Sentencing data to supreme court, 46-18-604
Sessions, See **Terms of court**
Sheriff
  crier, 3-5-407
  facilities, provision, 3-5-404
Small claims court, See **SMALL CLAIMS COURT — DISTRICT COURT**
Stenographers, See **Reporters**
Substitution of judge, See **Judges**
Terms of court
  adjournment, 3-5-401, 3-5-402
  generally, 3-5-401
  judge to fix when, 3-5-401
  multicounty district, 3-5-401, 3-5-402
  multijudge district, 3-5-403
  special terms, 3-5-401
Tort claims, approval of attorneys' fees, 2-9-314
Trial in, See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**
Trial jury, See **JURIES AND JURORS**
Vacancy in judgeship, See **Judges**

DISTRICT COURTS (Continued)

Venue, See also **VENUE**, generally
  emergency change, 3-5-405
    appearance of parties, 3-5-406
  insurer's delinquency proceedings, 33-2-1308
  rules of civil procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 82
Writs, See also **WRITS**, generally
  contempt judgment subject to writ of certiorari when, 3-1-523, 3-2-212
  court's power, 3-5-302
  judge at chambers, powers, 3-5-311
  seal of court required, 3-1-206
Youth court, Title 41, chapter 5, See **YOUTH COURT**, generally

DISTRICT HEALTH BOARDS AND OFFICERS

See **HEALTH, LOCAL BOARDS AND DEPARTMENTS**; **HEALTH OFFICERS, LOCAL**

DISTRICTING AND APPORTIONMENT COMMISSION

See **REAPPORTIONMENT COMMISSION**

DISTRICT JUDGES

See **DISTRICT COURTS**, **Judges**; **JUDGES AND JUSTICES**, generally; See also **PUBLIC OFFICERS**, generally

DISTRICT SUPERINTENDENT OF SCHOOLS

See **SCHOOL DISTRICTS**, **District superintendent**

DISTRICT YOUTH GUIDANCE HOMES, Title 41, chapter 5, part 9

See **YOUTH GUIDANCE HOMES**

DISTURBING THE PEACE

See **CRIMES**

DITCHERS

See **MOTOR VEHICLES**, **Special mobile equipment**, generally

DITCHES

See **CANALS, DITCHES, AND FLUMES**

DIVISION OF INCOME FOR TAX PURPOSES ACT, Title 15, chapter 31, part 3

See **TAXATION**, **Corporations**, allocation and apportionment of income

DIVISION OF PROPERTY

See **PARTITION**

DIVISIONS OF STATE AGENCIES

See **STATE AGENCIES**

DIVORCE

See **DISSOLUTION OF MARRIAGE**

DMSO

See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**, **Dimethyl sulfoxide**

DOCKETS

See also **COURT CALENDAR PRECEDENCE**

Appeals, Title 25, chapter 21, M.R.App.Civ.P., Rules 11, 25
    criminal, See **APPEALS, CRIMINAL**
District court, See **DISTRICT COURTS**
Judgments, See **JUDGMENTS AND DECREES**
Justice's court, See **JUSTICES' COURTS**, **Dockets and records**
Lobbyists' docket, Title 5, chapter 7, part 2, See **LOBBYING AND LOBBYISTS**

DOCKS AND WHARVES

See **WATER**; See also **FERRIES AND WHARVES**

DOCTORS

See **PHYSICIANS AND SURGEONS**

DOCUMENTARY DRAFTS

See **BANK DEPOSITS AND COLLECTIONS**; **LETTERS OF CREDIT**

DOCUMENTS

See **EVIDENCE**, **Writings and recordings**; **INSTRUMENTS**

DOCUMENTS OF TITLE

See also **BAILMENT AND BAILEES**; **UNIFORM COMMERCIAL CODE — GENERAL PROVISIONS**; **WAREHOUSES AND WAREHOUSEMEN**

Acceptance, effect, 30-1-207, 30-7-502, 30-7-503
Actions
    defined, 30-1-201
    enforcement of rights and obligations by, 30-1-106
    instituting, 30-7-204, 30-7-309
    remedies, liberal administration, 30-1-106
    through bills of lading, 30-7-302
Advances, statement of amount, 30-7-202
Adverse claims, 30-7-603
Agricultural commodities, 30-7-201
"Airbill" defined, 30-1-201
Alcoholic beverages, 30-7-201
Alteration, 30-7-208, 30-7-306
Applicability of laws
    bailees, extent, 30-1-111, 70-6-401
    commercial paper law inapplicable, 30-3-103
    conflict of laws, 30-1-105
    extent, 30-1-111, 30-3-103, 30-7-103
    general provisions, 30-7-102
    letters of credit law, 30-5-102
    negative implication, omission does not create, 30-7-105

DOCUMENTS OF TITLE (Continued)

Applicability of laws (Continued)
  secured transactions law, 30-9-102
  unclaimed property, 70-9-401
Attachment of goods, See **Liens**
Authenticity, 30-1-202
Bailee, See also **BAILMENT AND BAILEES**
  adverse claims, 30-7-603
  applicability of laws, 30-1-111, 70-6-401, 70-9-401
  defined, 30-7-102
  delivery
    excuse, 30-7-603
    obligation, 30-7-403
  indemnification for stoppage, 30-7-504
  liability, 30-7-404, 30-7-601
  missing document, liability, 30-7-601
  ownership of goods by, irregularity, 30-7-401
  security interest, notice, 30-9-304, 30-9-305
  set of parts, 30-7-304
  tender by, 30-2-310, 30-2-503
  wrong delivery, liability, 30-7-601
Bailor, lien against, 30-7-209
Bills of lading, special provisions
  actions
    instituting, 30-7-309
    through bills of lading, 30-7-302
  "airbill" defined, 30-1-201
  alteration, 30-7-306
  bailee
    defined, 30-7-102
    set of parts, 30-7-304
  blanks, 30-7-306
  bona fide purchaser, 30-7-308
  burden of proof
    defined, 30-1-201
    reasonable sale, 30-7-308
  c. & f., 30-2-320
  care, duty of, 30-7-309
  carrier
    care, duty of, 30-7-309
    connecting carrier, 30-7-302
    delivery by, 30-7-303
    description and weight of goods, 30-7-301
    destination bills, 30-7-305
    liability, limitation, 30-7-309
    lien of, 30-7-307, 30-7-308
    purchase of goods in public sale, 30-7-308
    set of parts, 30-7-304
  c. i. f., 30-2-320
  claims, presenting, 30-7-309
  connecting carrier on through bills of lading, liability, 30-7-302
  consignee
    defined, 30-7-102
    instructions, change by, 30-7-303
  consignor
    defined, 30-7-102
    instructions, change by, 30-7-303
    lien against, 30-7-307
  conversion, 30-7-308, 30-7-309
  damages
    lien, noncompliance, 30-7-308
    limitation, 30-7-309
    loading, improper, 30-7-301

DOCUMENTS OF TITLE (Continued)

Bills of lading (Continued)
  damages (Continued)
    misdescription, 30-7-301
    nonreceipt, 30-7-301
    set of parts, 30-7-304
    through bills of lading, 30-7-302
  date, 30-7-301
  defined, 30-1-201
  delivery
    defined, 30-1-201
    lien, effect, 30-7-307
    set of parts, 30-7-304
  description of goods, 30-7-301
  destination bills, 30-7-305
  diversion, 30-7-303
  duty of care, 30-7-309
  enforcement
    alteration, 30-7-306
    lien, 30-7-308
  f. a. s., 30-2-319
  f. o. b., 30-2-319
  foreign shipment, 30-2-323, 30-7-102, 30-7-302, 30-7-304
  good faith purchase in satisfaction of lien, 30-7-308
  goods
    defined, 30-7-102
    description, 30-7-301
    lien upon, 30-7-307, 30-7-308
    sale, 30-7-308
    unknown, 30-7-301
  guaranty, accuracy of description, 30-7-301
  holder
    diversion, 30-7-303
    through bills of lading, obligation, 30-7-302
  improper loading, 30-7-301
  indemnification
    issuer, 30-7-301
    through bills of lading, 30-7-302
  instructions, change, 30-7-303
  issuance, 30-7-305
  issuer
    rights and duties generally, 30-7-301
    set of parts, liability for, 30-7-304
    through bills of lading, 30-7-302
  labels, description of goods, 30-7-301
  liability
    care, failure to exercise, 30-7-309
    carrier, 30-7-309
    connecting carrier, 30-7-302
    conversion, 30-7-308
    issuer, 30-7-301
    lien, noncompliance, 30-7-308
    limitations, carrier, 30-7-309
    loading, improper, 30-7-301
    misdating, 30-7-301
    misdescription, 30-7-301
    nonreceipt, 30-7-301
    set of parts, 30-7-304
    shipper, 30-7-301
    through bills of lading, 30-7-302
    variance by agreement, 30-7-302
  lien upon goods, 30-7-307, 30-7-308
  loading, improper, 30-7-301

DOCUMENTS OF TITLE (Continued)

Bills of lading (Continued)
    misdescription, 30-7-301
    negligence, carrier, 30-7-309
    negotiability
        nonnegotiable, 30-2-705
        set of parts, 30-7-304
    nonnegotiable, 30-2-705
    nonreceipt, 30-7-301
    notice
        defined, 30-1-201
        sale in satisfaction of lien, 30-7-308
    obligation of holder, through bills of lading, 30-7-302
    overseas trade
        defined, 30-2-323, 30-7-102
        set of parts, 30-2-323, 30-7-304
        through bills of lading, 30-7-302
    purchaser, good faith, 30-7-307, 30-7-308
    reconsignment, 30-7-303
    reservation of security interest, 30-2-401, 30-2-505
    said to contain, 30-7-301
    sale, lien satisfaction, 30-7-308
    set of parts, 30-2-323, 30-7-304
    shipper, liability, 30-7-301
    shipper's weight, load and count, 30-7-301
    substitute bill, 30-7-305
    tender, 30-2-323, 30-2-503
    terms, 30-7-309
        defined, 30-1-201
    through bills of lading, 30-7-302
    transfer of bill, set of parts, 30-7-304
    unknown goods, 30-7-301
Blanks, 30-7-208, 30-7-306
Bona fide purchaser, See **Purchaser, good faith**
Bond against withdrawal, 30-7-201
Burden of proof
    defined, 30-1-201
    reasonable sale, 30-7-210, 30-7-308
Cancellation, 30-7-403, 30-7-705
C. & F., 30-2-320
Care, duty of, 30-1-102, 30-7-204, 30-7-309
Carrier, See **Bills of lading, special provisions**
C. I. F., 30-2-320
Citation, 30-1-101, 30-7-101
Claims
    presenting, 30-7-204, 30-7-309
    waiver, 30-1-107
Classification, applicability, 30-7-103
"Code" defined, 30-1-101
Collecting bank, warranty, 30-7-508
Commercial paper law inapplicable, 30-3-103
Conflicting claims to goods, 30-7-603
Conflict of laws, 30-1-105
Connecting carrier, 30-7-302
Consignee
    defined, 30-7-102
    instructions, change by, 30-7-303
Consignor
    defined, 30-7-102
    instructions, change by, 30-7-303
    lien against, 30-7-307
Construction
    generally, 30-1-102 — 30-1-104, 30-7-102

DOCUMENTS OF TITLE (Continued)

- **Construction** (Continued)
  - negative implication, against, 30-7-105
  - omissions, effect, 30-7-105
  - variance by agreement, 30-1-102
- **Contract for sale**
  - adequacy, 30-7-509
  - defined, 30-2-106, 30-7-102
- **Conversion**, 30-7-204, 30-7-210, 30-7-308, 30-7-309, 30-7-502, 30-7-601
- **Credit**, fulfillment of conditions for, 30-7-509
- **Creditors**, title to goods, 30-7-504
- **Crimes**, See **Offenses and penalties**
- **Damages**
  - bills in sets, 30-7-304
  - duplicate document, failure to identify, 30-7-402
  - lien, noncompliance, 30-7-210, 30-7-308
  - limitation, 30-7-204, 30-7-309
  - loading, improper, 30-7-301
  - misdescription, 30-7-203, 30-7-301
  - nonreceipt, 30-7-203, 30-7-301
  - omission of terms, 30-7-202
  - overissue, 30-7-402
  - through bills of lading, 30-7-302
- **Damage to goods**, 30-7-204, 30-7-403
- **Date**, 30-7-202, 30-7-301
- **Defeat of title**, 30-7-503
- **Definitions**
  - carriers' liens, 30-7-307
  - code, 30-1-101
  - contract for sale, 30-2-106, 30-7-102
  - duly negotiate, 30-7-102, 30-7-501
  - generally, 30-1-102, 30-1-201, 30-7-102
  - index, 30-7-102
  - overseas, 30-2-323, 30-7-102
  - person entitled under the document, 30-7-102, 30-7-403
  - receipt, 30-2-103, 30-7-102
  - shipper's weight, load and count, 30-7-301
  - warehousemen's liens, 30-7-209
- **Delay**, delivery, 30-7-403
- **Delivery**
  - banking channels, through, 30-2-308, 30-2-503
  - buyer's rights conditional, 30-2-507
  - compelled, 30-7-602
  - conflicting claims, 30-7-603
  - court order for, 30-7-601
  - defined, 30-1-201
  - demand, 30-7-206
  - discharge of obligation by, 30-7-503
  - diversion, 30-7-504
  - document, without, 30-7-601
  - endorsement, without, 30-7-506
  - excuse, 30-7-403, 30-7-603
  - good faith, liability, 30-7-404
  - indemnification for injury by, 30-7-601
  - issuance without, unlawful, 30-7-701
  - lien
    - effect, 30-7-209, 30-7-307
    - satisfaction, 30-7-206, 30-7-403
  - negotiation by, 30-7-501
  - obligation, 30-7-403, 30-7-502
  - partial, 30-7-304, 30-7-403
  - person entitled under the document, 30-7-403
  - receipt, unlawful without, 30-7-705

DOCUMENTS OF TITLE (Continued)

Delivery (Continued)
  security, 30-7-601
  set of parts, 30-7-304
  statement of terms, 30-7-202
  stop, 30-2-506, 30-2-705, 30-7-403, 30-7-502, 30-7-504
  storage separately for, 30-7-207
  tender, 30-2-308, 30-2-503
  title and rights acquired by, 30-7-504
  wrong, 30-7-601
"Delivery order" defined, 30-7-102
Description of goods
  essential term, 30-7-202
  lien, notice of sale to include, 30-7-210
  misdescription, 30-7-203, 30-7-301
Destination bills, 30-7-305
Destruction of document, See **Lost, stolen, or destroyed document**
Destruction of goods, 30-7-204, 30-7-309, 30-7-403
Diversion
  bills of lading, 30-7-303
  effect, 30-7-403, 30-7-504
"Duly negotiated" defined, 30-7-501
Duplicate documents
  authorization, 30-7-703
  bills of lading, 30-7-305
  identification, 30-7-402, 30-7-703
  liability, 30-7-402
  procedure, 30-7-601
  validity, 30-7-402
Duty of care, 30-7-204, 30-7-309
Endorsement
  compelled, 30-7-506
  delivery without, 30-7-506
  effect, 30-7-505
  guaranty, not, 30-7-505
  nonnegotiable document, 30-7-501
  required, 30-7-501
  special endorsement, 30-7-501
Evidence, authenticity, 30-1-202
Excuse, delivery, 30-7-403, 30-7-603
F. A. S., 30-2-319
Federal law, effect, 30-7-103
Field warehousing, 30-7-202
Financing agency, acquisition by, 30-2-506
F. O. B., 30-2-319
Foreign trade, See **Overseas trade**
Form
  irregularities, 30-7-401
  requirements, 30-7-202
Fraudulent issuance, 30-7-702
Fungible goods
  defined, 30-1-201
  overissue for, 30-7-207, 30-7-402
  ownership when commingled, 30-7-207
  storage, 30-7-207
  title, 30-7-205
Generally, Title 30, chapter 7
Genuineness
  evidence of, 30-1-202
  warranty, 30-7-507
Good faith
  delivery, 30-7-404

DOCUMENTS OF TITLE (Continued)

Good faith (Continued)
  obligation, 30-1-203
  purchase, lien satisfaction, 30-7-308
Goods
  damage to, 30-7-204
  defined, 30-7-102
  description, See **Description of goods**
  deterioration, 30-7-206
  fungible, See **Fungible goods**
  hazardous, 30-7-206, 50-30-108
  identification, 30-7-207
  lien upon, See **Liens**
  perishable, 30-7-206
  receipt, 30-2-103, 30-7-102
  sale, See **Sale of goods**
  separation in storage, 30-7-207, 70-4-101
  storage, See **Warehouse receipts, special provisions**
  unknown, 30-7-203, 30-7-301
Guaranty, accuracy of description, 30-7-301
Hazardous substances, 30-7-206, 50-30-108
Holder
  bills in sets, 30-7-304
  damages, 30-7-301
  defined, 30-1-201
  diversion, 30-7-303
  rights of, 30-7-502 — 30-7-504, 30-9-309
  security interest, 30-9-309
  through bills of lading, obligation, 30-7-302
Identification, 30-7-207
Indemnification
  issuer, 30-7-301
  lost or missing documents, 30-7-601
  stoppage of delivery, 30-7-504
  through bills of lading, 30-7-302
Indorsement, See **Endorsement**
Injunction, negotiation, 30-7-602
Inspection of goods, 30-2-513
Instructions, change, 30-7-303, 30-7-403, 30-7-504
Intermediary, warranty, 30-7-508
Interpleader, 30-7-603
Interpretation, 30-7-102
Irregularities, 30-7-401
Issuance
  delivery, unlawful without, 30-7-701
  designated place, 30-7-305
  destination bills, 30-7-305
  duplicates, See **Duplicate documents**
  form, 30-7-202, 30-7-401
  fraudulent, 30-7-702
  irregularities, 30-7-401
  legal interest before, 30-7-503
  license required, 30-7-201
  nonconformance, 30-7-401
  overissue, 30-7-207, 30-7-402
  ownership by warehouseman, when, 30-7-202, 30-7-704
  security interest before, 30-7-503
  substitute, See **Duplicate documents**
  warehouse receipts generally, 30-7-201
Issuer
  defined, 30-7-102
  indemnification, 30-7-301
  liability, 30-7-304, 30-7-402

DOCUMENTS OF TITLE (Continued)

Issuer (Continued)
  obligations, 30-7-301, 30-7-401, 30-7-502
  rights, 30-7-301
  set of parts, 30-7-304
  through bills of lading, 30-7-302
Laws applicable, See **Applicability of laws**
Legal interest before issuance, 30-7-503
Letters of credit
  applicability of laws, 30-5-102
  fulfillment of conditions for, 30-7-509
Liability
  bailee, 30-7-404
  care, failure to exercise, 30-7-204, 30-7-309
  carrier, 30-7-309
  connecting carrier, 30-7-302
  conversion, 30-7-204, 30-7-210, 30-7-308, 30-7-309, 30-7-601
  delivery, good faith, 30-7-404
  disposition of goods, 30-7-206
  duplicate documents, failure to identify, 30-7-402
  fungible goods, 30-7-207
  issuer, 30-7-301
  lien, noncompliance, 30-7-210, 30-7-308
  limitations, 30-7-204, 30-7-309
  loading, improper, 30-7-301
  misdating, 30-7-301
  misdescription, 30-7-203, 30-7-301
  missing document, 30-7-601
  nonreceipt, 30-7-203, 30-7-301
  omission of terms, 30-7-202
  overissue, 30-7-402
  set of parts, 30-7-304
  shipper, 30-7-301
  through bills of lading, 30-7-302
  variance by agreement, 30-1-102, 30-7-302, 30-7-309
License required for issuance, 30-7-201
Liens
  additional remedy, 30-7-210, 30-7-308
  carriers, 30-7-307, 30-7-308
  delivery, effect upon, 30-7-705
  enforcement, 30-7-206, 30-7-210, 30-7-308, 30-7-403
  judicial process, by, 30-7-602
  negotiation concealing, unlawful, 30-7-706
  sale of goods, See **Sale of goods**
  satisfaction, 30-7-206, 30-7-210, 30-7-403
  statement in warehouse receipt, 30-7-202
  termination of storage by enforcement, 30-7-206
  warehousemen, 30-7-202, 30-7-209, 30-7-210
Liquor, 30-7-201
Loading, improper, 30-7-301
Loss of goods, 30-7-403
Lost, stolen, or destroyed document
  delivery without receipt when, 30-7-705
  effect, 30-7-502
  substitute document, See **Duplicate documents**
Misdescription, 30-7-203, 30-7-301
Negligence, 30-7-204, 30-7-309
"Negotiability" defined, 30-7-104
Negotiation
  absence, effect, 30-7-504
  defective title, unlawful with, 30-7-706
  "duly negotiated" defined, 30-7-501
  effect, 30-7-502, 30-7-503

DOCUMENTS OF TITLE (Continued)

Negotiation (Continued)
  endorsement, See **Endorsement**
  form, 30-7-501
  injunction, 30-7-602
  manner of, 30-7-501
  nonnegotiability, See **Transfer of nonnegotiable document**
  rights acquired by, 30-7-502
  set of parts, 30-7-304
  transfer as, 30-7-506
  warranties, 30-7-507
Nonconformance, 30-7-401
Nonnegotiable document, transfer, See **Transfer of nonnegotiable document**
Nonreceipt, 30-7-203, 30-7-301
Notation, 30-7-403
Notice
  alteration, lack of authority, 30-7-208
  claim, 30-7-501
  consignor's lack of authority, 30-7-307
  defined, 30-1-201
  injunction, 30-7-602
  judicial process, 30-7-602
  purchaser, 30-7-501
  sale of goods, 30-7-210, 30-7-308
  stop delivery, 30-7-504
  storage, termination, 30-7-206
  transfer, 30-7-504
Numbering, 30-7-202
Obligation
  delivery, 30-7-403, 30-7-502
  good faith, 30-1-203
  holder, through bills of lading, 30-7-302
  issuer, 30-7-401, 30-7-502
  through bills of lading, 30-7-302
Offenses and penalties
  defective title, negotiation with, 30-7-706
  delivery, issuance of receipt without, 30-7-701
  delivery without negotiable receipt, 30-7-705
  duplicate, issuance without marking, 30-7-703
  fraudulent issuance, 30-7-702
  ownership by warehouseman, issuance when, 30-7-704
Overissue, 30-7-207, 30-7-402
Overseas trade
  defined, 30-2-323, 30-7-102
  negotiability of document, 30-7-104
  set of parts, 30-2-323, 30-7-304
  through bills of lading, 30-7-302
Partial delivery, 30-7-403
"Person entitled under the document" defined, 30-7-102, 30-7-403
Prohibited acts, See **Offenses and penalties**
Purchaser, good faith
  alteration, as authorized, 30-7-208
  applicability of laws, 30-2-403
  damages, 30-7-203
  defined, 30-1-201
  due negotiation, 30-7-501
  fungible goods, free of claim, 30-7-205
  lien satisfaction
    carrier's charges limited, 30-7-307
    goods free of claim, 30-7-210, 30-7-308
  misdescription, damages, 30-7-203
  nonreceipt, damages, 30-7-203
  warranty, 30-7-507

DOCUMENTS OF TITLE (Continued)

"Receipt of goods" defined, 30-2-103, 30-7-102
Reconsignment, 30-7-303, 30-7-403, 30-7-504
Rights
    defeat, 30-7-503
    defined, 30-1-201
    holder, 30-7-502
    negotiation, by, 30-7-502
        absence of, 30-7-504
    reservation, 30-1-207, 30-2-401, 30-2-505
    transferee, 30-7-504
    waiver, 30-1-107
Said to contain, 30-7-203, 30-7-301
Sale of goods
    delivery without receipt, 30-7-705
    deterioration, 30-7-206, 30-7-705
    hazardous, 30-7-206, 30-7-705
    lien satisfaction, 30-7-206, 30-7-210, 30-7-308, 30-7-705
    manner of, 30-7-210, 30-7-308
    statute of frauds, 30-1-206
Sales contract, adequacy to fulfill obligations, 30-7-509
Scope of laws, See **Applicability of laws**
Secured transactions law, applicability, 30-9-102
Security interest
    applicability of laws, 30-9-102
    before issuance, 30-7-503
    defined, 30-1-201
    holder's rights, 30-9-309
    notice, 30-9-309
    priority, 30-9-309, 30-9-312
    reservation, 30-1-207, 30-2-401, 30-2-505
    warehouseman's, 30-7-209
Set of parts
    overseas trade, 30-2-323, 30-7-304
    prohibited, 30-7-304
    validity, 30-7-402
Shipper, liability, 30-7-301
Shipper's weight, load and count, 30-7-301
Short title, 30-1-101, 30-7-101
Signature, 30-7-202
Special endorsement, 30-7-501
Statutes applicable, See **Applicability of laws**
Stolen document, See **Lost, stolen, or destroyed document**
Stop delivery, See **Delivery**
Storage, See **Warehouse receipts, special provisions**
Substitute document, See **Duplicate documents**
Tariffs, applicability, 30-7-103
Tender, 30-2-310, 30-2-323, 30-2-319 — 30-2-321, 30-2-503
Terms, 30-7-202, 30-7-309
    defined, 30-1-201
    optional, 30-7-202, 30-7-204, 30-7-309
Theft of document, See **Lost, stolen, or destroyed document**
Third-party documents, authenticity, 30-1-202
Through bills of lading, 30-7-302
Title to document
    acquisition, 30-7-502
    negotiation, conferred by, 30-7-502
    warranties, 30-7-507
Title to goods
    acquisition, 30-7-502
    defeat, 30-7-205, 30-7-503
    defective, negotiation unlawful, 30-7-706
    fungible goods, 30-7-205

DOCUMENTS OF TITLE (Continued)

Title to goods (Continued)
  lien satisfaction sale, effect, 30-7-210
  multiple claimants, 30-7-603
  negotiation, conferred by, 30-7-502
  passing title, effect, 30-2-401
  warranties, 30-7-507
Transfer of nonnegotiable document
  negotiation, as, 30-7-506
  nonnegotiability, 30-7-104
  rights acquired by, 30-7-504
  set of parts, 30-7-304
  stop delivery order, 30-2-705
  warranties, 30-7-507
Treaty, applicability, 30-7-103
Uniform Warehouse Receipt Act, Title 30, chapter 7, part 7, See **Warehouse receipts, special provisions**, offenses and penalties
Unknown goods, 30-7-203, 30-7-301
Unlawful acts, See **Offenses and penalties**
Validity, warranty, 30-7-507
Warehousemen, See also **Bailee**
  care, duty of, 30-7-204
  defined, 30-7-102
  delivery, obligation, 30-7-403
  disposition of goods, 30-7-206
  issuance by, 30-7-201
  liability
    care, failure to exercise, 30-7-204
    conversion, 30-7-210
    disposition of goods, 30-7-206
    fungible goods, commingling, 30-7-207
    lien required, failure to comply, 30-7-210
    limitation, 30-7-204
    omission of terms, 30-7-202
  lien of, See **Warehouse receipts, special provisions**
  noncompliance, 30-7-210
  offenses, See **Offenses and penalties**
  ownership by, issuance when, 30-7-202, 30-7-704
  purchase of goods at public sale, 30-7-210
  security interest reserved by, 30-7-209
  separation of goods, 30-7-207, 70-4-101
  signature required, 30-7-202
  storage, termination, 30-7-206
Warehouse receipts, special provisions
  actions, terms respecting, 30-7-204
  advances, statement of amount, 30-7-202
  agricultural commodities, 30-7-201
  alcoholic beverages, 30-7-201
  alterations, 30-7-208
  blanks, 30-7-208
  bona fide purchaser, 30-7-203, 30-7-205, 30-7-208, 30-7-210
  bond against withdrawal, 30-7-201
  burden of proof
    defined, 30-1-201
    reasonable sale, 30-7-210
  cancellation, 30-7-705
  care, duty of, 30-7-204
  claims, presenting, 30-7-204
  conversion, 30-7-204, 30-7-210
  damages
    limitations, 30-7-204
    misdescription, 30-7-203
    noncompliance, 30-7-210

DOCUMENTS OF TITLE (Continued)

Warehouse receipts, special provisions (Continued)
- damages (Continued)
  - nonreceipt, 30-7-203
  - omission of terms, 30-7-202
- date, 30-7-202
- defective title, negotiation with — unlawful, 30-7-706
- defined, 30-1-201
- delivery
  - defined, 30-1-201
  - demand, 30-7-206
  - issuance without, unlawful, 30-7-701
  - lien
    - effect, 30-7-209
    - satisfaction by, 30-7-206
  - statement of terms, 30-7-202
  - storage separately for, 30-7-207
  - without receipt unlawful, 30-7-705
- description
  - essential term, 30-7-202
  - liability for misdescription, 30-7-203
  - lien, notice of sale to include, 30-7-210
- duplicate, issuance without marking — unlawful, 30-7-703
- duty of care, 30-7-204
- essential terms, 30-7-202
- field warehousing, 30-7-202
- formal requirements, 30-7-202
- fraudulent issuance, 30-7-702
- fungible goods
  - defined, 30-1-201
  - overissue, 30-7-207
  - ownership when commingled, 30-7-207
  - storage, 30-7-207
  - title, 30-7-205
- goods
  - damage to, 30-7-204
  - defined, 30-7-102
  - deterioration, 30-7-206
  - disposition, 30-7-206, 30-7-210, 30-7-705
  - fungible, 30-1-201, 30-7-205, 30-7-207
  - hazardous, 30-7-206
  - identification, 30-7-207
  - perishable, 30-7-206
  - sale, 30-7-206, 30-7-210, 30-7-705
  - separation in storage, 30-7-207, 70-4-101
- handling charges, 30-7-202
- identification, 30-7-207
- issuance
  - delivery, unlawful without, 30-7-701
  - duplicate, unlawful without marking, 30-7-703
  - form, 30-7-202
  - fraudulent, 30-7-702
  - generally, 30-7-201
  - ownership by warehouseman, unlawful to issue when, 30-7-704
- liability
  - care, failure to exercise, 30-7-204
  - disposition of goods, 30-7-206
  - fungible goods, 30-7-207
  - limitations, 30-7-204
  - misdescription, 30-7-203
  - noncompliance, 30-7-210
  - nonreceipt, 30-7-203
  - omission of terms, 30-7-202

DOCUMENTS OF TITLE (Continued)

Warehouse receipts, special provisions (Continued)
- license required for issuance, 30-7-201
- lien of warehouseman
  - additional remedy, 30-7-210
  - carrier's lien, enforcement as, 30-7-308
  - defined, 30-7-209
  - delivery, effect upon, 30-7-705
  - enforcement, 30-7-206, 30-7-210
  - entitlement, 30-7-209
  - negotiation concealing, unlawful, 30-7-706
  - sale of goods, 30-7-206, 30-7-210
  - satisfaction, 30-7-206, 30-7-210
  - statement in warehouse receipt, 30-7-202
  - termination of storage by enforcement, 30-7-206
- liquor, 30-7-201
- location of warehouse, statement of, 30-7-202
- lost, stolen, or destroyed receipts, 30-7-703, 30-7-705
- misdescription, 30-7-203
- negotiation with defective title unlawful, 30-7-706
- noncompliance of warehouseman, 30-7-210
- nonreceipt, 30-7-203
- notice
  - defined, 30-1-201
  - lien satisfaction, sale for, 30-7-210
  - storage, termination, 30-7-206
- numbering, 30-7-202
- offenses and penalties
  - defective title, negotiation with, 30-7-706
  - delivery, issuance of receipt without, 30-7-701
  - delivery without negotiable receipt, 30-7-705
  - duplicate, issuance without marking, 30-7-703
  - fraudulent issuance, 30-7-702
  - ownership by warehouseman, issuance when, 30-7-704
- optional terms, 30-7-202, 30-7-204
- overissue, 30-7-207
- ownership
  - common, 30-7-202
  - fungible goods, 30-7-207
  - statement of, 30-7-202
  - warehouseman, 30-7-202, 30-7-210, 30-7-704
- purchaser, good faith, 30-7-203, 30-7-205, 30-7-208, 30-7-210
- receipt for goods
  - nonreceipt, 30-7-203
  - statement of, 30-7-202
- said to contain, 30-7-203
- sale of goods, 30-7-206, 30-7-210, 30-7-705
- security interest, 30-7-209
- signature, 30-7-202
- storage
  - bonded, 30-7-201
  - charges, statement of, 30-7-202
  - fungible goods, 30-7-207
  - lien for, 30-7-209
  - separation of goods, 30-7-207, 70-4-101
  - termination, 30-7-206
  - unclaimed property, applicability of laws, 70-9-401
- terms, 30-1-201, 30-7-202, 30-7-204
- title
  - defeat, 30-7-205
  - defective, negotiation unlawful, 30-7-706
  - fungible goods, 30-7-205
  - lien satisfaction sale, effect, 30-7-210

DOCUMENTS OF TITLE (Continued)

Warehouse receipts, special provisions (Continued)
  unclaimed property, applicability of laws, 70-9-401
  uniform warehouse receipt act, Title 30, chapter 7, part 7
  unknown goods, 30-7-203
  warehouseman
    care, duty of, 30-7-204
    defined, 30-7-102
    issuance by, 30-7-201
    liability, 30-7-202, 30-7-204, 30-7-206, 30-7-207, 30-7-210
    ownership by, 30-7-202
    purchase of goods at public sale, 30-7-210
    security interest reserved by, 30-7-209
    signature required, 30-7-202
  written terms, 30-7-202
Warranties, 30-7-507, 30-7-508

DOGS

See also **ANIMALS**

Blind persons, guides for, 49-2-101, 49-4-214
City control, Title 7, chapter 23, part 41
County control, Title 7, chapter 23, part 21
Deaf persons, hearing dogs for, 49-4-214
Field trials, 87-3-124
Game or fur-bearing animals, dogs killing or attacking — destruction allowed when, 87-3-124
Game preserves, dogs chasing animals or birds unlawful, 87-5-401
Guide dogs, 49-2-101, 49-4-214
Hearing dogs, 49-4-214
Hunting or tracking with, restrictions, 87-3-124
Importation prohibited when, 81-2-112
Liability, 27-1-715
Licensing
  city, 7-23-4102, 7-23-4103
  county, Title 7, chapter 23, part 21
  local government, Title 7, chapter 23, part 1
Livestock, destroying or injuring, 81-7-401 — 81-7-403, See also **PREDATORS AND PREDATOR CONTROL**
Local government control, Title 7, chapter 23, part 1
Poultry, destroying or injuring, 81-7-401 — 81-7-403, See also **PREDATORS AND PREDATOR CONTROL**
Vicious, liability, 27-1-715

DOMESTIC CORPORATIONS

See **CORPORATIONS**, generally

DOMESTIC MUTUAL INSURANCE COMPANIES

See **INSURERS — DOMESTIC STOCK AND MUTUAL**

DOMESTIC MUTUAL RURAL INSURERS

See **INSURERS — FARM MUTUAL**

DOMESTIC RELATIONS

Adoption, See **ADOPTION**
Annulment, Title 40, chapter 1, part 4, See **MARRIAGE, Declaration of invalidity**
Child custody, See **CHILD CUSTODY**

DOMESTIC RELATIONS (Continued)

Children, See generally **MINORS; PARENT AND CHILD; PATERNITY PROCEEDINGS**
Child support, See **CHILD SUPPORT**
Conciliation of controversies, Title 40, chapter 3, See **CONCILIATION**
Crimes involving family matters, See **CRIMES, Family, offenses involving**
Declaration of invalidity, Title 40, chapter 1, part 4, See **MARRIAGE**
Dissolution of marriage, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**
Divorce, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**
Husband and wife relationship, See **HUSBAND AND WIFE**
Legal separation of spouses, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE, Separation agreement**
Marriage, Title 40, chapter 1, See **MARRIAGE**
Parent and child relationship, See generally **PARENT AND CHILD; PATERNITY PROCEEDINGS**
Paternity, Title 40, chapter 6, part 1, See **PATERNITY PROCEEDINGS**
Reconciliation of spouses, Title 40, chapter 3, See **CONCILIATION**
Separation of spouses, See **DISSOLUTION OF MARRIAGE, Separation agreement**
Spouses, relationship between, See **HUSBAND AND WIFE**, generally
Support
  child, See **CHILD SUPPORT**
  enforcement, Title 40, chapter 5, See **CHILD SUPPORT, Administrative enforcement; Reciprocal enforcement**

DOMESTIC STOCK INSURANCE COMPANIES

  See **INSURERS — DOMESTIC STOCK AND MUTUAL**

DOMESTIC VIOLENCE GRANT PROGRAMS, Title 40, chapter 2, part 4

  See **HUSBAND AND WIFE, Battered spouses grant programs**

DOMICILE

  See **RESIDENCE**

DOMINANT TENEMENTS

  See **REAL PROPERTY, Easements**

DONABLE PROPERTY

  See **SURPLUS PROPERTY**

DONKEYS

  See generally **HERD DISTRICTS, Horse herd districts; Running at large within; LIVESTOCK, Hide dealers; Roundup of abandoned horses; Running at large**

DOOR-TO-DOOR SALES

  See **SALES, Personal solicitation**

DOUBLE JEOPARDY

  See **CRIMINAL PROCEDURE, Former prosecutions**

DOWER

  See **ESTATES AND PROBATE PROCEEDINGS**

DRAFTS

See **BANK DEPOSITS AND COLLECTIONS; COMMERCIAL PAPER; LETTERS OF CREDIT**

DRAINAGE DISTRICTS

Alteration, Title 85, chapter 8, part 4
  division, 85-8-802
Assessments, Title 85, chapter 8, parts 4 and 6
Bonds, Title 85, chapter 8, part 5, See also **BOND ISSUES, PUBLIC**, generally
Boundaries, Title 85, chapter 8, parts 1 and 4
Commissioners, Title 85, chapter 8, part 3
Continuation, 85-8-801
Creation, Title 85, chapter 8, part 1
Dissolution, 85-8-201
Division, 85-8-802
Eminent domain for, 70-30-102, See **EMINENT DOMAIN**
Flood control, Title 85, chapter 8, part 7
Highways, irrigable land acquired for, 60-4-109
Improvement, 85-9-102, See **WATER CONSERVANCY DISTRICTS**
Operation, Title 85, chapter 8, part 3
Organization, Title 85, chapter 8, part 3
Revenue, Title 85, chapter 8, part 5
Taxation, See **TAXATION**

DREDGING

See **LAKES**, **Shore protection**

DRINKING WATER

See **WATER SUPPLY, PUBLIC**, generally

DRIVE-IN THEATERS

See **THEATERS**

DRIVER EDUCATION

See **SCHOOLS**, **Traffic education**

DRIVER EXAMINERS

See **MOTOR VEHICLES, DIVISION OF**, **Examiners**

DRIVER LICENSE COMPACT, Title 61, chapter 5, part 4

See **DRIVERS' LICENSES**

DRIVERS' EXAMINATION SECTION

See **MOTOR VEHICLES, DIVISION OF**

DRIVERS' LICENSES

See also **DRIVING AND DRIVERS**

Address changes, notice requirements, 61-5-115
Age requirements, 61-5-105, 61-5-106
Alcoholics, restrictions, 61-5-105

DRIVERS' LICENSES (Continued)

Anatomical gift, indication of intent, 61-5-301
Applicant's driving record required when, 61-5-107
Applications, 61-1-504, 61-1-505, 61-5-107
  birth date, falsification, 61-5-206
  false statements, 61-5-302
  fraud, 61-5-302
    cancellation of license, 61-5-201
  minors, 61-5-108
  records, 61-11-102
  refused when, 61-6-142
Blind persons, ineligibility, 15-30-303
Cancellation
  appeal, right of, 61-5-211
  authority for, 61-5-201
  defined, 61-1-505
  minors' licenses
    death of person signing application, 61-5-202
    request for, 61-5-109
Carrying and exhibiting, 61-5-116, 61-5-302
Change of address or name, 61-5-115
Chauffeurs
  age requirement, 61-5-105
  classification, 61-5-112
  defined, 61-1-312
  issuance not allowed when, 61-5-105
  required, 61-5-102
  restrictions, 61-5-112
  school bus drivers, 20-10-103, 61-5-112
  unlicensed, employing, 61-5-305
City licenses, 61-5-102
Contents, 61-5-111
Convictions, See also **DRIVING AND DRIVERS**, **Convictions**
  driver license compact, validity under, 61-5-406
  out-of-state, effect, 61-5-204
Definitions, 61-1-311, 61-1-312, 61-1-503 — 61-1-505, 61-5-213, 61-6-102, 61-11-203
"Driver" defined, 61-1-309
Driver License Compact
  administrative actions, review, 61-5-406
  administrator, 61-5-403
  citation, 61-5-401
  executive head, 61-5-404
  license suspension or revocation, offenses applicable, 61-5-405
  licensing authority, 61-5-402
  text, 61-5-401
Driving records required when, 61-5-107
Drug addicts, restrictions, 61-5-105
Duplicate licenses, 61-5-114
Epileptics, restrictions, 61-5-105
Examinations
  attempts to pass, number allowed, 61-5-107
  contents, 61-5-110
  instruction permits, for, 61-5-106
  location, 61-5-110
  passing required, 61-5-105, 61-5-106
  reexaminations when, 61-5-207
  renewals, for, 61-5-111
Exemptions, 61-5-104
Exhibiting, See **Carrying and exhibiting**
Expiration, 61-5-111
False statements or affidavits, 61-5-205, 61-5-302, 61-5-303, 61-5-405
Fees, 61-5-111, 61-5-114
  disposition, 15-1-501, 20-7-504, 20-7-505, 61-5-111

DRIVERS' LICENSES (Continued)

Financial responsibility, proof of — requirements, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY**
Foreign license, no operation under — when, 61-5-210
Habitual traffic offenders, See **DRIVING AND DRIVERS**
Hearings, 61-5-113, 61-5-206
Highway patrol
  demand for exhibit, 61-5-116
  to secure possession of, when, 61-6-112
Identification in lieu of, See **MOTOR VEHICLES, Identification cards**
Indexes, See **Records and indexes**
Instruction permits, 61-5-106
  application for, 61-5-107, 61-5-108
Interpretation of laws, uniformity, 61-5-308
Interstate compact, See **Driver License Compact**
Issuance, 61-5-111
Justice, Department of — space for indication of intent to make anatomical gift, 61-5-301
Learner's permits, 61-5-106
Lending to other person, unlawful, 61-5-302
Local licenses, 61-5-102
Mentally disabled persons, restrictions, 61-5-105
Military personnel, exemption, 61-5-104
Minors
  age requirements, 61-5-105
  applications, 61-5-108, 61-5-202
  cancellation of license
    death of person signing application, 61-5-202
    request for, 61-5-109
  exemption when, 61-5-104
  instruction permits, 61-5-106, 61-5-108
  learner's permits, 61-5-106
  liability of parents or guardians, 61-5-108
    release, 61-5-109
  probation officer, license held by — when, 61-12-601
  provisional license, 61-5-111
  responsibility for, release, 61-5-109
  restricted license, issuance, 61-5-105
  revocation when, 61-12-601
  traffic education permits, 61-5-106
  unauthorized, driving prohibited, 61-5-304
Motorcycle endorsement
  application for, 61-5-107
  examination requirements, 61-5-110
  fee, 61-5-111
  valid when, 61-5-111
Motor Vehicles, Division of
  address changes, notification, 61-5-115
  appeals, notice concerning, 61-5-211
  applicant's driving records requested when, 61-5-107
  applications
    action on, 61-1-504
    forms, 61-5-107
    records, 61-11-102
  blind persons, report from department of revenue, 15-30-303
  cancellation of licenses
    authority for, 61-5-201
    minors, 61-5-109, 61-5-202
  change of name or address, notification, 61-5-115
  chauffeurs' licenses, 61-5-112
  driver license compact
    licensing authority for, 61-5-402
    offenses furnishing ground for suspension or revocation, 61-5-405
  driving privileges, authority for suspension, 61-5-206

DRIVERS' LICENSES (Continued)

Motor Vehicles, Division of (Continued)
- driving records requested when, 61-5-107
- duplicate licenses, 61-5-114
- epileptics, licenses issued to — when, 61-5-105
- examinations by, 61-5-110, 61-5-111
  - reexaminations when, 61-5-207
- false statements made to, effect, 61-5-205
- fees, disposition, 61-5-111
- instruction permits, 61-5-106
- issuance of licenses, restrictions, 61-5-105
- name changes, notification, 61-5-115
- new voter lists, preparation, 13-38-103
- oaths, administering, 61-5-206
- probationary licenses, 61-5-206
- provisional licenses, 61-5-111
- records and indexes kept by, 61-3-101, 61-11-102
  - inspection, 61-5-306
- reexaminations required by, when, 61-5-207
- renting vehicles to other persons, records, 61-5-306
- resonsibilities generally, 61-5-101
- restricted licenses, 61-5-113
- revocation of licenses
  - authority for, 61-5-205
  - conviction in other state, for, 61-5-204
  - mandatory when, 61-5-205, 61-11-101
  - nonresident privileges, 61-5-203, 61-5-204
  - period of, 61-5-208
    - extended when, 61-5-212
  - restricted licenses, 61-5-113
- sale of receipts, appointment of agents for, 61-5-111
- subpoenas, issuance, 61-5-206
- surrender of license to
  - cancellation, upon, 61-5-201
  - court to require when, 61-11-101
  - disposition, 61-5-102
  - failure or refusal to, 61-5-302, 61-6-112
  - probationary license, prior to issuance, 61-5-206
  - proof of financial responsibility, failure to furnish, 61-6-112
  - suspension or revocation, upon, 61-5-209
- suspension of licenses
  - authority for, 61-5-206
  - conviction in other state, for, 61-5-204
  - grounds for, 61-5-206
  - judgments, for nonpayment, 61-6-122
  - nonresident privileges, 61-5-203, 61-5-204
  - period of, 61-5-208
    - extended when, 61-5-212
  - provisional licenses, when, 61-5-111
  - restricted licenses, 61-5-113
- temporary driver's permits, 61-5-106
- traffic education permits, 61-5-106
- voter lists prepared from records of, 13-38-103
- witnesses, authority concerning, 61-5-206

Name changes, notice requirements, 61-5-115

New voter lists, preparation, 13-38-103

Nonresidents
- exemption when, 61-5-104
- renting vehicles, 61-5-306
- revocation of privileges, 61-5-210
- suspension of privileges, 61-5-203, 61-5-204, 61-5-210, 61-6-122, 61-6-123, 61-6-125

Number allowed, 61-5-102, 61-5-111

Offenders, habitual, See **DRIVING AND DRIVERS**, **Habitual traffic offenders**

DRIVERS' LICENSES (Continued)

"Operator" defined, 61-1-311
Peace officers
  demand for exhibit, 61-5-116
  to secure possession of, when, 61-6-112
Probationary licenses, 61-5-206, 61-11-101
Provisional licenses, 61-5-111
Receipts, sale of, 61-5-111
Records and indexes, 61-3-101
Reexamination required when, 61-5-207
Renewal, 61-5-111
Renting vehicles to other persons, 61-5-306
Required, 61-5-102
Residency requirement, 61-5-103
Restricted licenses, 15-30-303, 61-5-105, 61-5-113, 61-6-139
Revocation
  accidents, failure to stop and remain at scene, 61-7-103
  appeal, right of, 61-5-211
  conviction in other state, for, 61-5-204
  convictions, upon, See **DRIVING AND DRIVERS, Convictions**
  defined, 61-1-504
  driving during, unlawful, 61-5-212
    conviction points, 61-11-203
  enforcement stayed when, 61-2-302
  financial responsibility, proof requirements, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY, Proof**, generally
  foreign license, no operation under — during, 61-5-210
  grounds for, 61-5-205, 61-5-207, 61-5-405, 61-7-103
  habitual traffic offenders, 61-11-211
  issuance of license during, prohibited when, 61-5-105
  liability insurance, cancellation upon, 33-23-211
  mandatory when, 61-5-205, 61-11-101
  minor's license when, 61-12-601
  nonresidents' privileges, 61-5-204
  period of, 61-5-208
    extended when, 61-5-212
  rehabilitation of driver, See **DRIVING AND DRIVERS, Improvement program**
  restricted licenses, when, 61-5-113
Roadblocks to check, 46-5-502
Sale of receipts, 61-5-111
Snowmobiles, required for operation on public roads, 23-2-631
Surrender of license
  cancellation, upon, 61-5-201
  convictions, upon, See **DRIVING AND DRIVERS, Convictions**
  court to require when, 61-11-101, 61-11-210
  habitual traffic offenders, 61-11-210
  out-of-state licenses, when, 61-5-102
  probationary license, prior to issuance, 61-5-206
  proof of financial responsibility, failure to furnish, 61-6-112
  refusal or neglect to, 61-5-206, 61-5-302, 61-6-112, 61-6-151
  return to licensee, 61-5-209
  suspension or revocation, upon, 61-5-209
Suspension
  accident reports, failure to make, 61-7-111
  appeal, right of, 61-5-211, 61-8-403
  authority, 61-5-206
  conviction in another state, for, 61-5-204
  conviction, upon, See **DRIVING AND DRIVERS, Conviction**
  defined, 61-1-503
  driving during, unlawful, 61-5-212
    conviction points, 61-11-203
  driving while under the influence of alcohol or drugs, for, 61-8-402, 61-8-403
  enforcement stayed when, 61-2-302

DRIVERS' LICENSES (Continued)

Suspension (Continued)
  financial responsibility, failure to prove, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY**
  foreign license, no operation under — during, 61-5-210
  grounds for, 61-5-206, 61-5-207, 61-5-405, 61-7-111
  issuance of license during, prohibited when, 61-5-105
  judgments, for nonpayment, 61-6-122, 61-6-125
  liability insurance, cancellation upon, 33-23-211
  mandatory when, 61-11-101
  nonresidents' privileges, 61-5-203, 61-5-204
  period of, 61-5-208
    extended when, 61-5-212
  probationary license in lieu of, 61-11-101
  provisional license when, 61-5-111
  rehabilitation of driver, See **DRIVING AND DRIVERS, Improvement program**
  restricted licenses, when, 61-5-113
Temporary driver's permits, 61-5-106
Traffic education permits, 61-5-106
Traffic offenders, habitual, See **DRIVING AND DRIVERS, Habitual traffic offenders**
Unlawful use, 61-5-206, 61-5-302
Unqualified persons, 61-5-105
Valid when, 61-5-111
Violations
  driving while license suspended or revoked, 61-5-212, 61-6-151
  false statements or affidavits, 61-5-302, 61-5-303
  generally, penalties, 61-5-307
  penalties, 61-5-307
  possession or control of more than one license, 61-5-111
  restricted licenses, violation of restrictions imposed in, 61-5-113
  surrender, failure to, 61-6-151
  use of license when, 61-5-302
Voter lists prepared from registration files, 13-38-103
Who may not be licensed, 15-30-303, 61-5-105
Wildlife conservation license applications, identification for, 87-2-202

DRIVING AND DRIVERS

  See also **DRIVERS' LICENSES; MOTOR VEHICLES**

Accidents and subsequent reports, See **MOTOR VEHICLE ACCIDENTS AND ACCIDENT REPORTS**
Alcoholic beverages, open containers unlawful when, 16-3-106
Alcohol treatment program, attendance, 61-8-714, 61-11-101, See also **ALCOHOL ABUSE; INTOXICATION**
Blind persons
  duty to, 49-4-216, 49-4-217
  rights generally, penalty for denial or interference with, 49-4-211, 49-4-215 — 49-4-217
Blood alcohol tests, See **Driving while under the influence of alcohol or drugs**, chemical blood, breath, or urine tests
Careless driving, See **TRAFFIC REGULATIONS**
Convictions
  accidents not involving, information concerning, 61-11-105
  conservation speed limit violations, effect, 61-11-103
  court costs, 61-8-711
  defined, 61-5-213, 61-8-714, 61-11-203
  motorcycles, noise suppression devices — for lack of, 61-9-518
  negligent homicide, 61-5-205
  nonresidents, 61-11-102
  out-of-state, effect on drivers' licenses, 61-5-204
  point system, 61-11-203
  records, 61-8-714, 61-11-101, 61-11-102, 61-11-204

DRIVING AND DRIVERS (Continued)

Convictions (Continued)
  reporting, 61-11-101
  revocation of drivers' licenses for, See **DRIVERS' LICENSES, Revocation**, generally
  suspension of drivers' licenses for, See **DRIVERS' LICENSES, Suspension**, generally
Deaf persons' rights generally, penalty for denial or interference with, 49-4-211, 49-4-215
"Driver" defined, 61-1-309
Driving while under the influence of alcohol or drugs
  arrest bond certificates not permitted, 46-9-414
  chemical blood, breath, or urine tests
    administration, 61-8-402, 61-8-405
    evidence, admissibility, 61-8-404, 61-8-405
    implied consent, 61-8-402
    presumptions from, 61-8-401
    refusal to submit to, 61-8-402, 61-8-404
  conviction
    points, 61-11-203
    records, expunction when, 61-8-714
  driver's license
    revocation mandatory when, 61-5-205, 61-5-208
    suspension, 61-5-208, 61-8-402
      appeal, right of, 61-8-403
  evidence
    admissibility, 61-8-404, 61-8-405
    presumptions, 61-8-401
  local authorities, powers, 61-8-401, 61-12-101
  local ordinances, 61-8-401
  open containers of alcoholic beverages unlawful when, 16-3-106
  penalty, 61-8-714
  sentencing, 46-18-201
  unlawful, 61-8-401
Drunken, See **Driving while under the influence of alcohol or drugs**
D.W.I., See **Driving while under the influence of alcohol or drugs**
Education, See **Improvement program**; See also **SCHOOLS, Traffic education**
Equipment inspections, compliance, 61-9-503
Financial responsibility, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY**
Forfeiture of bail
  "conviction" defined as, 61-5-213, 61-8-714, 61-11-203
  records, 61-11-101
  revocation of drivers' license for, See **DRIVERS' LICENSES, Revocation**, generally
  suspension of drivers' license for, See **DRIVERS' LICENSES, Suspension**, generally
Habitual traffic offenders
  adjudged to be, 61-11-210
  complaint, filing, 61-11-205, 61-11-206
    notification, 61-11-206
  construction of provisions, 61-11-215
  court proceedings
    evidence, 61-11-207
    hearings, 61-11-210
    show cause order, 61-11-208
    trial when, 61-11-214
  definitions, 61-11-203
  driving record to define, 61-11-204
  financial responsibility, proof of — filing, 61-11-212
  hearings, 61-11-210
  legislative intent, 61-11-202
  license
    reissuance when, 61-11-212
    revocation, 61-11-211
    surrender ordered when, 61-11-210
  operation of motor vehicle prohibited, exception, 61-11-213
  penalties, 61-11-212

DRIVING AND DRIVERS (Continued)

Habitual traffic offenders (Continued)
  point system, 61-11-203
    court findings, 61-11-210
    removal of points when, 61-11-211
  purpose of provisions, 61-11-201
  records of convictions
    certified copies, 61-11-204
    evidence, as, 61-11-207
  service of process, 61-11-209
  trial, when, 61-11-214
Handicapped persons, duty to, 49-4-216, 49-4-217
Highway patrol, cases involving — reports, 61-11-104
Improvement program
  attendance required when, 61-2-302, 61-11-101
  establishment, 61-2-302
  purpose, 61-2-301
Incompetent drivers, suspension of license, 61-5-206
Intoxicated drivers, See **Driving while under the influence of alcohol or drugs**
Justice, Department of — establishment of rehabilitation and improvement program, 61-2-302
Local authorities, powers, 61-8-401, 61-12-101
Motorcycles, noise suppression devices, 61-9-418, 61-9-518
Motor Vehicles, Division of
  conviction records
    forwarded to, 61-11-101
    nonresidents, 61-11-102
  drivers' licenses
    revocation when, 61-11-211
    surrendered to, 61-11-101
  driving while under the influence of alcohol or drugs, suspension of driver's license, 61-8-402
  habitual traffic offenders
    certification of records, 61-11-204
    court orders, filing, 61-11-210
    license, revocation, 61-11-211
  indexes kept by, 61-11-102
  records kept by, 61-11-102
Negligent driving, See **TRAFFIC REGULATIONS, Careless driving**
Negligent homicide convictions, effect, 61-5-205
Nonresident motorists
  conviction in this state, record requirements, 61-11-102
  habitual traffic offenders, records certified to officials, 61-11-204
  highway use conditional, 25-3-601
  service of process on, See **CIVIL PROCEDURE, Service of process**
  vehicle operation, effect, 25-3-602
Offenders, habitual, See **Habitual traffic offenders**
"Operator" defined, 61-1-311
Reckless driving, See **TRAFFIC REGULATIONS**
Records
  certification when, 61-11-204
  conservation speed limit violations, effect, 61-11-103
  convictions, of, 61-8-714, 61-11-101, 61-11-102, 61-11-204
  drivers' licenses, requested for — when, 61-5-107
  forfeiture of bail, of, 61-11-101
  insurance risk classifications based upon, 33-16-201
  minors, 41-5-602, 41-5-604
  nonresidents, 61-5-107, 61-11-102
  prior offense, expunction when, 61-8-714
  suspension of license, authorization, 61-5-206
Rehabilitation of driver, See **Improvement program**
Responsibility, financial, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY**
Safety program, See **TRAFFIC REGULATIONS, Safety program**
School bus drivers, See **SCHOOL TRANSPORTATION, Bus drivers**

DRIVING AND DRIVERS (Continued)

Traffic offenders, habitual, See **Habitual traffic offenders**
Traffic regulations, See **TRAFFIC REGULATIONS**
Traffic safety program, See **TRAFFIC REGULATIONS, Safety program**
Uninsured motorists, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY**
Vehicles
  inspections, compliance, 61-9-503
  unsafe conditions, in — driving prohibited, 61-9-109, See also **MOTOR VEHICLE EQUIPMENT**, generally
Violations, See **Driving while under the influence of alcohol or drugs**, generally; See also **TRAFFIC REGULATIONS**
Visually handicapped persons, See **Blind persons**

DRUGGISTS

See **PHARMACY AND PHARMACISTS**

DRUG PARAPHERNALIA ACT, Title 45, chapter 10, part 1

See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Paraphernalia**

DRUG PRODUCT SELECTION ACT, Title 37, chapter 7, part 5

See **PHARMACY AND PHARMACISTS**

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES

Abortifacients, advertising unlawful, 50-20-109
Abuse of, See also **Dangerous drugs**, generally
  acupuncturists, by, 37-13-311
  addicts, prescriptions to — reporting, 37-2-111
  barbers, barbershop owners, or barber school operators — by, 37-30-425
  chiropractors, by, 37-12-321
  cosmetologists, by, 37-31-331
  courts, report to county attorney, 46-9-203
  drivers' license restrictions, 61-5-105
  driving while under the influence of alcohol or drugs, See **DRIVING AND DRIVERS**
  educational programs, 50-32-105
  minors
    consent for treatment, 41-1-402
    treatment information, release, 41-1-403
  nurses, by, 37-8-441
  parent-child legal relationship termination, criteria, 41-3-609
  pharmacists, by, 37-7-311
  physical therapists, by, 37-11-321
  physicians, by, 37-3-322, 37-3-323
  prescriptions to addicts, reporting, 37-2-111
  psychologists, by, 37-17-311
  radiologic technologists, by, 37-14-302, 37-14-321
  rehabilitation, Title 53, chapter 24
  research encouraged, 50-32-106
  teacher instruction, See **UNIVERSITY SYSTEM, Drug and alcohol abuse instruction**
  treatment, Title 53, chapter 24
    convicted drivers, enrollment in program, 61-8-714
    insurance coverage for, See **INSURANCE — DISABILITY, Mental illness, alcoholism, and drug addiction — coverage for**
  veterinarians, by, 37-18-311
Actions — publication of judgments, decrees, and orders, 50-31-105
Acupuncturists, violations concerning controlled substances, 37-13-311
Addicts, See **Abuse of**

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Additives
  adulteration when, 50-31-305
  agricultural chemicals, 50-31-110
  color additives, 50-31-103, 50-31-305, 50-31-306
  defined, 50-31-103
  labeling, 50-31-306
  rulemaking authority, 50-31-108, 50-31-109
  use, 50-31-109
Adulterated articles
  additives, as adulteration when, 50-31-109
  defined, 50-31-305
  detainer, 50-31-509
  guaranty against, 50-31-507
  presumption, 50-31-305
  undertaking against, 50-31-507
  unlawful, 50-31-501
Advertising
  abortifacients, 50-20-109
  antiseptic drugs, 50-31-302
  contraceptives, 45-8-204
  defined, 50-31-103
  false or misleading
    defined, 50-31-107, 50-31-303
    liability, 50-31-507
    presumption, 50-31-107, 50-31-303
    unlawful, 50-31-501
  medical professionals, to, 50-31-303
  paraphernalia, unlawful, 45-10-106
Alcohol content, label to indicate, 50-31-306
Alcoholic beverages, applicability of laws, See **ALCOHOLIC BEVERAGES**
Antibiotic drugs, 50-31-306
  defined, 50-31-301
Antiseptic drugs as germicides, 50-31-302
Applicability of laws, 50-31-102
  alcoholic beverages, 50-32-104, See **ALCOHOLIC BEVERAGES**, **Drugs**
  dangerous drugs, 50-31-310, 50-32-101
  federal laws, 50-31-103, 50-31-108, 50-31-301, 50-31-304 — 50-31-307, 50-31-309 — 50-31-312, 50-31-501, 50-32-203, 50-32-306, 50-32-309
  marijuana, 50-31-310
  narcotic drugs, 50-31-310
  paraphernalia, definitions, 45-10-101
  registration of manufacturers or distributors, 50-32-306, 50-32-309
  scheduling of drugs, 50-32-203
Barbers, barbershop owners, or barber school operators — abuse, 37-30-425
Birth control, See **Contraceptive**
Blood, See **BLOOD**
Carriers, See **CARRIERS**
Chiropractors, See **CHIROPRACTIC AND CHIROPRACTORS**
Citation of Food, Drug, and Cosmetic Act, 50-31-101
Coca leaves, See **Dangerous drugs**
Code imprinting
  definitions, 50-31-301
  exemptions, 50-31-314
  list of code imprints, 50-31-315
  required, 50-31-313
  violations, 50-31-506
Color additives, 50-31-103, 50-31-305, 50-31-306, See **Additives**
Commerce, Department of
  registration of manufacturers, distributors, and dispensers — issuance, 50-32-103, 50-32-301
  research contracts with other agencies, 50-32-106
  schedules of drugs, publication, 50-32-209

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Commercial feeds containing
  adulterated feed, as — when, 80-9-204
  "drug" defined, 80-9-101
  use, directions for, 80-9-202
Companies, See **Dispensation**; **Manufacturers, distributors, and dispensers**
Compounding, See **Manufacturers, distributors, and dispensers**; **PHARMACY AND PHARMACISTS**, generally
Containers, reuse for hazardous substances, 50-30-202, 50-30-301
Contaminated drugs, 50-31-103, 50-31-305, See **Adulterated articles**
Contraceptive
  sale and advertisement unlawful when, 45-8-204
  vending machines, sales through unlawful, 45-8-204
Controlled Substances Act, Title 50, chapter 32, See **Dangerous drugs**
Cosmetologists, abuse, 37-31-331
Counterfeit drugs, 50-31-103, 50-31-501, 50-32-103
Criminal charges, See **Unlawful practices**; **CRIMES**
Damages for embargo or detainer of an article, 50-31-509
Dangerous Drug Act, Title 45, chapter 9; Title 50, chapter 32, See **Dangerous drugs**
Dangerous drugs
  abuse, See **Abuse of**
  addicts, See **Abuse of**
  administration of provisions, 50-32-103
  alcoholic beverages, exclusion, 50-32-104
  altering labels, 45-9-105, 45-9-106
  applicability of laws, 50-31-310
    alcoholic beverages, exclusion, 50-32-104
    federal laws, 50-32-203, 50-32-306, 50-32-309
    food, exclusion, 50-32-101
  boats — driving under the influence of, unlawful, 23-2-523
  courts, report to county attorney on users, 46-9-203
  definitions, 50-32-101
  designation, 50-32-201, 50-32-202
  disability insurers, liability concerning insured, 33-22-231
  educational programs, 50-32-105
  enforcement, research, 50-32-106, See also **Seizures related to controlled substances**; **Unlawful practices**; **CRIMES**
  federal laws, applicability, 50-32-203, 50-32-306, 50-32-309
  fees, 50-32-103
  food, exclusion, 50-32-101
  forfeitures, See **Seizures related to controlled substances**
  fraudulently obtaining unlawful, 45-9-104, 45-9-106
  intoxicating substances
    defined, 45-2-101
    minors
      possession unlawful, 45-5-624
      sale or gift to, unlawful, 45-5-622, 45-5-623
  jurisdiction in drug offenses
    district court, 3-10-303, 45-9-201
    justice's court, 3-10-303
  labels
    alteration unlawful, 45-9-105, 45-9-106
    warning label, 50-31-306
  marijuana, specific provisions, See **Marijuana**
  minors charged in district court when, 41-5-206
  motorboats — driving under the influence of, unlawful, 23-2-523
  opium, specific provisions, See **Opium and opiates**
  paraphernalia, See **Paraphernalia**
  physicians
    addiction, effect, 37-3-322, 37-3-323
    violations and effect of conviction from, 37-3-322
  possession, criminal, 45-9-102
    exemptions, 45-5-624, 45-9-101 — 45-9-103, 50-32-106, 50-32-301

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Dangerous drugs (Continued)
- possession, criminal (Continued)
  - intent to sell, criminal, 45-9-103
  - marijuana exclusions, 45-9-102, 45-9-103
  - minors, 45-5-624, 45-9-102
  - precursors to, 45-9-107, 45-9-108
  - registration of manufacturers and distributors, effect, 50-32-301
  - sentencing presumption, 45-9-102
- practitioners
  - criminal liability, exemption, 45-9-101 — 45-9-103, 45-9-108, 50-32-106, 50-32-301
  - defined, 50-32-101
  - precursors, exemption from reporting requirements, 50-32-401
  - registration, See **Registration of manufacturers, distributors, or dispensers**
- precursors to
  - definitions, 50-32-101
  - justice, department of, See **Justice, Department of**
  - possession unlawful, 45-9-107
    - exemptions, 45-9-108
  - report of sale or transfer
    - contents, 50-32-403
    - criminal charges, 50-32-405
    - exceptions, 50-32-402
    - exclusions, 50-32-401
    - failure to report, 50-32-405
    - form, 50-32-403
    - penalties, 50-32-405
    - required, 50-32-401
    - rulemaking authority, 50-32-401
    - substances to be reported, enumeration, 50-32-401
    - theft or loss, 50-32-404
    - when, 50-32-402
  - report of theft or loss, 50-32-404
  - scheduling, effect, 50-32-201, 50-32-204
- preliminary hearings, jurisdiction in justice's court, 3-10-303
- prescriptions, See also **Prescriptions and prescription drugs**
  - addicts, to — reporting, 37-2-111
  - required, 50-31-307, 50-32-208
- registration of manufacturers, distributors, or dispensers, See **Registration of manufacturers, distributors, and dispensers**
- rehabilitative treatment, sentencing alternative, 45-9-202
- research encouraged, 50-32-106
  - precursors, use in, 50-32-401
  - registration of manufacturers and distributors, effect, 50-32-301, 50-32-308, 50-32-309
- rulemaking authority, 50-32-103
  - precursors, reporting, 50-32-401
  - registration of manufacturers and distributors, 50-32-301, 50-32-304, 50-32-309
  - scheduling, 50-32-103, 50-32-208, 50-32-209, 50-32-227, 50-32-230
- sale, barter, exchange, or gift of, 37-7-401, 37-7-402, 45-5-622, 45-5-623, 45-9-101, 45-9-103
- schedules, See **Scheduling of dangerous drugs**
- seal when registration suspended or revoked, 50-32-311
- search and seizure, See **Seizures related to controlled substances**
- seizure of contraband, See **Seizures related to controlled substances**
- snowmobiles — driving while under the influence of, prohibited, 23-2-632
- uniformity of provisions, 50-32-102
- users, report to county attorney, 46-9-203
- warning label, 50-31-306

Definitions
- antibiotic drug, 50-31-301
- code imprint, 50-31-301
- controlled substance, 44-12-101
- counterfeit drug, 50-31-103, 50-32-101
- dmso, 50-42-101

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Definitions (Continued)
    drug addict, 37-2-111
    drug paraphernalia, 45-10-101
    established name, 50-31-301
    generally, 37-2-101, 37-7-101, 50-31-103, 50-31-301, 50-32-101, 80-9-101
    habitual user of drugs, 37-2-111
    laetrile, 50-41-101
    legend drug, 50-31-301
    marijuana, 50-32-101
    new drug, 50-31-103
    official compendium, 50-31-103
    opiate, 50-32-101
    paraphernalia, 45-10-101
Destruction of adulterated or misbranded article, 50-31-509
Detainer of adulterated or misbranded articles, 50-31-509
    removal or disposal of article unlawful, 50-31-501, 50-31-509
Diagnostic, use by optometrists, 37-10-103, 37-10-304
Dimethyl sulfoxide
    authorization, 50-42-102
        effect, 50-42-106, 50-42-107
    defined, 50-42-101
    discretionary use, 50-42-107
    endorsement, none, 50-42-106
    hospitals and health care facilities
        interference by prohibited, 50-42-103
        liability, none, 50-42-104
    interference with use prohibited, 50-42-103
    liability for use or prescription, 50-42-104, 50-42-105
    malpractice, nonliability, 50-42-105
    new drug requirements, exclusion, 50-31-311
    optional use, 50-42-107
    pharmacies, liability, 50-42-104
    physicians, liability, 50-42-105, 50-42-107
    prescription required, 50-42-102
Dispensation
    chiropractors, prohibited, 37-12-321
    definitions, 37-2-101
    dmso, See **Dimethyl sulfoxide**
    emergency medical technicians, by, 50-6-203, 50-6-205
    information, failure of manufacturer to provide, 50-31-501
    institutional patients and inmates, to, 53-1-103
    laetrile, authorization, See **Laetrile**
    medical practitioners, unlawful practices
        drug companies, between, 37-2-102
        generally, exceptions, 37-2-104
        pharmacies
            between, 37-2-103
            existing ownership, effect, 37-2-106
        unprofessional conduct, as, 37-3-322
    order forms for schedule I and II drugs, 50-32-207
    prescription required when, 50-31-307, 50-32-208, See **Prescriptions and prescription drugs**
    psychologists, not permitted, 37-17-103
    samples, 37-2-104
    scheduling of drugs, See **Scheduling of dangerous drugs**
    unlawful practices, 37-2-102 — 37-2-104
        actions concerning, 37-2-105
        conviction, effect, 37-3-322
        exceptions, 37-2-104
    venereal diseases, for, 50-18-110
    veterinarians, by, 37-18-102
    weighing and measuring, exclusion from customer observation provisions, 30-12-504

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Disposal agreements when adulterated or misbranded, 50-31-509
Distributors, See **Manufacturers, distributors, or dispensers**
DMSO, See **Dimethyl sulfoxide**
Drug Product Selection Act, Title 37, chapter 7, part 5, See **PHARMACY AND PHARMACISTS**
Embargo of adulterated or misbranded articles, 50-31-501, 50-31-509
Emergency medical technicians, administration by, 50-6-203, 50-6-205
Experimental drugs, 50-31-312
Factories, inspection, 50-31-106
False advertising, See **Advertising**
Federal laws
  adoption by reference, 50-31-104
  applicability, 50-31-103, 50-31-108, 50-31-301, 50-31-304 — 50-31-307, 50-31-309 — 50-31-312, 50-31-501, 50-32-203, 50-32-306, 50-32-309
  defined, 50-31-103
Feeds containing, See **Commercial feeds containing**
Food, Drug, and Cosmetic Act, Title 50, chapter 31, See this main category generally; See also **COSMETICS; FOOD AND FOOD PRODUCTS**
Food, exclusion from provisions, 50-32-101
Germicides, antiseptics as, 50-31-302
Guaranty against adulteration or misbranding, 50-31-501, 50-31-507
Habitual users, See **Abuse of**, generally
Health and Environmental Sciences, Board of — trade secrets, disclosure to, 50-31-501
Health and Environmental Sciences, Department of
  additives, rulemaking authority, 50-31-108
  detainer or embargo by, 50-31-509
  federal laws, adoption by reference, 50-31-104
  health information, publication, 50-31-105
  injunction by, 50-31-508
  inspections by, 50-31-106
  investigations, publication of information, 50-31-105
  labels, rulemaking authority, 50-31-306
  new drugs, duties, 50-31-311
  prescription requirements, removal of drug from, 50-31-309
  publication of information by, 50-31-105
  rulemaking authority, 50-31-104, 50-31-108, 50-31-303, 50-31-306, 50-31-309
  samples, examination, 50-31-106
  self medication, rulemaking authority, 50-31-303
  trade secrets, disclosure to, 50-31-501
  university system courses, advice and consultation, 20-25-604
  unlawful practices
    detainer or embargo, 50-31-509
    due process, 50-31-504
    injunction, 50-31-508
    warning, 50-31-503
  warning notice upon violations, 50-31-503
Health information, publication, 50-31-105
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
Imprinting, See **Code imprinting**
Injunction of unlawful practices, 50-31-508
Inspections
  authorization, 50-31-106
  refusal to permit, 50-31-501
  registered manufacturers, distributors, dispensers, or applicants, 50-32-310
Institutional patients or inmates, distribution to, 53-1-103
Insulin, 50-31-306
  consumer commodity, exclusion as, 50-31-103
Insurance
  disability insurers, liability concerning insured, 33-22-231
  drug addiction, coverage for, See **INSURANCE — DISABILITY, Mental illness, alcoholism, and drug addiction — coverage for**
  health service corporations, See **HEALTH SERVICE CORPORATIONS**

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Investigations, publication of results, 50-31-105
Itinerant vendors, licensing, See **ITINERANT VENDORS**
Judgments, publication, 50-31-105
Jurisdiction of courts, 3-10-303, 41-5-206, 45-9-201, 50-31-509
Justice, Department of — precursors to dangerous drugs
  report of sale or transfer to, 50-32-401, 50-32-402
    forms provided by, 50-32-403
    rulemaking authority, 50-32-401
    when, 50-32-402
  report of theft or loss to, 50-32-404
Kits, See **Paraphernalia**
Labeling, See also **Misbranded articles**
  alteration unlawful, 45-9-105, 45-9-106, 50-31-501
  antiseptics, 50-31-302
  compliance with requirements, 50-31-111
  contents, 50-31-306
  correction, 50-31-509
  defined, 50-31-103
  exemptions, 50-31-304
  forgery or counterfeiting, 50-31-306, 50-31-501
  germicides, 50-31-302
  minors, labeling for, 50-31-306
  misleading, 50-31-107, 50-31-306
  narcotic drugs, warning label, 50-31-306
  new drugs, 50-31-311
  noncompliance, 50-31-306, 50-31-501
  prescription drugs, 50-31-308
  requirements, 50-31-111, 50-31-306
  warning label on narcotic drugs, 50-31-306
Laetrile
  authorization, 50-41-102
    effect, 50-41-106, 50-41-107
  defined, 50-41-101
  dietary supplement, as, 50-41-106
  discretionary use, 50-41-107
  hospitals and health care facilities
    interference with use prohibited, 50-41-103
    liability, 50-41-104
  liability for use or prescription, 50-41-104, 50-41-105
  optional use, 50-41-107
  physicians, liability, 50-41-105
Manufacturers, distributors, or dispensers
  code imprinting, See **Code imprinting**
  defined, 50-31-301
  dispensation of drugs, See **Dispensation**
  dmso, 50-42-102, 50-42-107
  information on drug, failure to provide, 50-31-501
  laetrile, 50-42-102, 50-42-107
  precursors, report of sale or transfer, 50-32-401, See **Dangerous drugs**, precursors to
  registration, See **Registration of manufacturers, distributors, or dispensers**
Marijuana, See also **Dangerous drugs**
  applicability of laws, 50-31-310
  boats, operation under influence of, 23-2-523
  defined, 50-32-101
  paraphernalia, See **Paraphernalia**
  possession, exclusions, 45-9-102, 45-9-103
  sale, penalties, 45-9-101
  scheduling, 50-32-222
  seizure provisions, exclusions, 44-12-102
Marriage
  invalid, declared when, 40-1-402
  license, issuance prohibited when, 40-1-210

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Medicaid, See **PUBLIC ASSISTANCE**
Medical practitioners
  advertising to, 50-31-303
  defined, 50-32-101
  dispensation, See **Dispensation**
  paraphernalia, exemption from criminal provisions, 45-10-107
  precursors, exemption from reporting requirements, 50-32-401
  registration, See **Registration of manufacturers, distributors, or dispensers**, practitioners
Minors
  charged in district court when, 41-5-206
  consent to treatment for abuse, 41-1-402
  labeling requirements to warn or protect, 50-31-306
  paraphernalia, delivery to unlawful, 45-10-105
  possession, 45-5-624, 45-9-102
Misbranded articles, See also **Labeling**
  defined, 50-31-306, 50-31-307
  detainer, 50-31-509
  guaranty or undertaking against, 50-31-501, 50-31-507
  prescription drugs, 50-31-307, 50-31-308
  unlawful, 50-31-501
Narcotic, See **Abuse of**; **Dangerous drugs**
New drugs, 50-31-311
  defined, 50-31-103
  exemptions, 50-31-312
  violations, 50-31-501
Nurses, abuse, 37-8-441, See also **Medical practitioners**
Offenses, See **Unlawful practices**; **CRIMES**
Opium and opiates, See also **Dangerous drugs**
  definitions, 50-32-101
  prescriptions to addicts, reporting, 37-2-111
  sale and prescription, 37-7-401, 37-7-402
  scheduling, 50-32-222, 50-32-224
  use prohibited, 7-31-4102
Optometrists, use of diagnostic drugs, 37-10-103, 37-10-304
Osteopaths, See **OSTEOPATHY AND OSTEOPATHS**
Paraphernalia
  advertising unlawful, 45-10-106
  definitions, 45-10-101
  delivery unlawful, 45-10-104, 45-10-105
  evidence, 45-10-102
  exemptions, 45-10-107
  forfeiture, 44-12-102, See also **Seizures related to controlled substances**
  manufacture unlawful, 45-10-104
  minors, delivery to unlawful, 45-10-105
  possession, criminal, 45-10-103, 45-10-104
  seizure, 44-12-103, See also **Seizures related to controlled substances**
Payment, medicaid, See **PUBLIC ASSISTANCE**
Penalties, See **Unlawful practices**; **CRIMES**
Pharmacies, See **Dispensation**; See also **PHARMACY AND PHARMACISTS**
Pharmacists, abuse, 37-7-311
Pharmacists, Board of
  administrative powers, 50-32-103, 50-32-104
  code imprints
    exemptions, granting, 50-31-314
    list to, 50-31-315
  educational programs conducted by, 50-32-105
  licensing of pharmacies and pharmacists, See **PHARMACY AND PHARMACISTS**
  order forms for certain drugs, provision, 50-32-207
  precursors to dangerous drugs
    rulemaking authority, 45-9-108, 50-32-204
    scheduling by, 50-32-204

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Pharmacists, Board of (Continued)
- quality of drugs and medicines, regulation, 37-7-201
- registration of manufacturers, distributors, and dispensers, 50-32-301, 50-32-306
  - denial by, 50-32-312
  - inspections by, 50-32-310
  - notice of revocation or suspension to federal bureau, 50-32-311
  - public interest criteria, 50-32-306
  - revocation by, 50-32-311, 50-32-312
  - rulemaking authority, 50-32-301, 50-32-304, 50-32-309
  - suspension by, 50-32-311, 50-32-312
  - waiver by, 50-32-303, 50-32-304
- research encouraged by, 50-32-106
- rulemaking authority, 50-32-103
  - precursors to dangerous drugs, 45-9-108, 50-32-204
  - registration of manufacturers, distributors, and dispensers, 50-32-301, 50-32-304, 50-32-309
  - scheduling of drugs, 50-32-103, 50-32-208
- sale of drugs and medicines, regulation, 37-7-201
- scheduling of drugs by, 50-32-201, 50-32-202
  - federal register, rescheduling in — duties, 50-32-203
  - nonnarcotic drugs, exclusion by, 50-32-205
  - precursors, designation by, 50-32-204
  - publication of schedules, 50-32-209
  - rulemaking authority, 50-32-103, 50-32-208, 50-32-209, 50-32-227, 50-32-230
  - schedule I, placement on, 50-32-221
  - schedule II, placement on, 50-32-222, 50-32-223
  - schedule III, placement on, 50-32-225
    - exemptions by, 50-32-227
  - schedule IV, placement on, 50-32-228
    - exemptions by, 50-32-230
  - schedule V, placement on, 50-32-231

Physical therapists, abuse, 37-11-321
Physicians, See **PHYSICIANS AND SURGEONS**
Podiatrists, See **PODIATRY AND PODIATRISTS**
Precursors to dangerous drugs, See **Dangerous drugs**
Prescriptions and prescription drugs
- addicts, to — reporting, 37-2-111
- chiropractors, by — prohibited, 37-12-104, 37-12-321
- dmso, 50-42-102, 50-42-107
- exemptions, 50-31-308
- labeling, 50-31-308, 50-31-501
- laetrile, not required, 50-41-107
- manufacturer's information, failure to send, 50-31-501
- psychologists, not permitted, 37-17-103
- removal from requirements, 50-31-309
- required when, 50-31-307, 50-32-208
- scheduling, See **Scheduling of dangerous drugs**
- venereal disease, required for drugs for treatment, 50-18-110
- veterinarians, by, 37-18-102

Product Selection Act, Title 37, chapter 7, part 5, See **PHARMACY AND PHARMACISTS**
Product standards, 37-7-201, 50-31-305, 50-31-306
Prohibited acts, See **Unlawful practices**; **CRIMES**
Prophylactic, See **Contraceptive**
Psychologists, See **PSYCHOLOGY AND PSYCHOLOGISTS**
Publication of information by Department of Health and Environmental Sciences, 50-31-105
Purity of drugs, 37-7-201, 50-31-305
Quality of drug, 37-7-201, 50-31-305
Radiologic technologists, abuse, 37-14-302, 37-14-321
Registration of manufacturers, distributors, or dispensers
- annual, 50-32-301

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Registration of manufacturers, distributors, or dispensers (Continued)
- criminal charges, 50-32-313
- criminal conviction, effect, 50-32-306, 50-32-311
- denial, 50-32-312
- exceptions, 50-32-302
- failure to register, 50-32-313
- federal laws, applicability, 50-32-306
- federal registration, effect, 50-32-303, 50-32-306, 50-32-308, 50-32-311
- fees, 50-32-103
- fraud, effect, 50-32-306, 50-32-311
- inspections, 50-32-310
- inventories, 50-32-309
- issuance, 50-32-103, 50-32-301
- notice of suspension or revocation to federal bureau, 50-32-311
- practitioners
  - criteria, 50-32-308
  - failure to register, 50-32-313
  - waiver, 50-32-303
  - when, 50-32-308
- public interest criteria, 50-32-306
- records, 50-32-309
- renewal, 50-32-312
- required, 50-32-301
- revocation, 50-32-311, 50-32-312
- rulemaking authority, 50-32-301, 50-32-304, 50-32-309
- schedule I and II restrictions, 50-32-307, 50-32-308
- seal of drugs when, 50-32-311
- separate registration for each place of business, 50-32-305
- suspension, 50-32-311, 50-32-312
- waiver, 50-32-303, 50-32-304

Research of dangerous drugs, See **Dangerous drugs**

Rulemaking authority, 50-31-104, 50-32-103
- additives, 50-31-108
- labeling requirements, 50-31-306
- precursors to dangerous drugs, 45-9-108, 50-32-401
- prescription requirements, removal of drug from, 50-31-309
- registration of manufacturers and distributors, 50-32-301, 50-32-304, 50-32-309
- scheduling of drugs, 50-32-103, 50-32-208, 50-32-209, 50-32-227, 50-32-230
- self medication, 50-31-303

Sale of, See also **CRIMES**, **Drugs**; **PHARMACY AND PHARMACISTS**
- dmso, 50-42-102, 50-42-107
- laetrile, 50-41-102, 50-41-107
- precursors, report of sale, See **Dangerous drugs**, precursors to

Scheduling of dangerous drugs
- criteria, 50-32-201
- definitions, 50-32-101
- designation, 50-32-202
- federal laws, applicability, 50-32-203
- immediate precursors, 50-32-201, 50-32-204
- marijuana, 50-32-222
- names, 50-32-206
- nonprescription drugs not to be scheduled, 50-32-205
- order forms for schedule I and schedule II drugs, 50-32-207
- opiates, 50-32-222, 50-32-224
- penalties, 50-32-208
- precursors, 50-32-201, 50-32-204
- prescriptions required for scheduled drugs, 50-32-208
- publication of schedules, 50-32-209
- republication of schedules, 50-32-209
- rulemaking authority, 50-32-103, 50-32-208, 50-32-209, 50-32-227, 50-32-230
- schedule I
  - criteria, 50-32-221

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

- **Scheduling of dangerous drugs** (Continued)
  - schedule I (Continued)
    - distribution restrictions, 50-32-307
    - enumerated, 50-32-222
    - manufacturing restrictions, 50-32-307
    - marijuana, 50-32-222
    - order forms, 50-32-207
  - schedule II
    - criteria, 50-32-223
    - distribution restrictions, 50-32-307
    - enumerated, 50-32-224
    - manufacturing restrictions, 50-32-307
    - marijuana, 50-32-222
    - opiates, 50-32-224
    - order forms, 50-32-207
    - prescription requirements, 50-32-208
  - schedule III
    - criteria, 50-32-225
    - enumerated, 50-32-226
    - exemptions, 50-32-227
    - prescription requirements, 50-32-208
  - schedule IV
    - criteria, 50-32-228
    - enumerated, 50-32-229
    - exemptions, 50-32-230
    - prescription requirements, 50-32-208
  - schedule V
    - criteria, 50-32-231
    - enumerated, 50-32-232
    - prescription requirements, 50-32-208
  - violations, 50-32-208
- **Seizures related to controlled substances**
  - answer to allegations concerning use, 44-12-202
    - expiration of time, 44-12-203
  - defined, 44-12-101
  - evidence, 44-12-203, 44-12-204
  - exclusions, 44-12-102
  - extent, 44-12-102
  - forfeiture
    - notice, 44-12-201
    - summary, 44-12-104
  - grounds for, 44-12-103
  - hearing, 44-12-203, 44-12-204
  - jurisdiction of district court, 44-12-103
  - notice
    - federal bureau, to, 50-32-311
    - hearing, 44-12-203
    - seizure, 44-12-201
  - release of property, 44-12-205
  - retention of property, 44-12-205
  - sale of property, 44-12-205, 44-12-206
  - security interest, effect, 44-12-102, 44-12-204 — 44-12-206
  - summary forfeiture, 44-12-104
  - things subject to, 44-12-102
  - warrant, 44-12-103
  - when, 44-12-103
  - without warrant, 44-12-103
- **Self medication**, 50-31-303
- **Short title**, 50-31-101
- **Standards**, 37-7-201, 50-31-305, 50-31-306
- **Trade secrets**, disclosure to board or department of health and environmental sciences, 50-31-501

DRUGS AND CONTROLLED SUBSTANCES AND DEVICES (Continued)

Tuberculin, See **LIVESTOCK**
Undertaking against adulterated or misbranded articles, 50-31-501, 50-31-507
Uniform Controlled Substances Act, Title 50, chapter 32, See **Dangerous drugs**
Unlawful practices, See also **CRIMES**
  adulteration of articles, 50-31-501, 50-31-509
  contraceptive drugs and devices, unlawful sale and advertisement, 45-8-204
  dangerous drugs, violations, See **CRIMES**, **Drugs**
  detainer or embargo, 50-31-509
    removal of article, 50-31-501
  dispensation violations, 37-2-102 — 37-2-104, See also **Dispensation**
  disposal agreements, 50-31-509
  dmso, sale without prescription, 50-42-102
  false advertising, 50-31-501, 50-31-507
  guaranty, false, 50-31-501, 50-31-507
  hearing, 50-31-504
  injunction to restrain, 50-31-508
  inspections, refusal, 50-31-501
  institutional patients and inmates, unlawful distribution to, 53-1-103
  label — false, alteration, or destruction, 50-31-501, 50-31-509
  minor violations, prosecution not required, 50-31-503
  misbranding of articles, 50-31-501, 50-31-509
  narcotic drugs, See **CRIMES**, **Drugs**
  notice, 50-31-503, 50-31-504
  paraphernalia, See **Paraphernalia**
  penalties, 50-31-506, 50-31-507
  precursors, failure to report sale or transfer, 50-32-405
  prescription, dispensing dangerous drug without, 50-32-208
  prosecution, 50-31-503, 50-31-505
  registration, failure of practitioner to register, 50-32-313
  report of sale or transfer of precursors to dangerous drugs, failure, 50-32-405
  seizure, procedure, See **Seizures related to controlled substances**
  trademark, falsification, 50-31-501
  trade secrets, disclosure, 50-31-501
  undertaking, false, 50-31-501, 50-31-507
  warning, 50-31-503
Users, See **Abuse of**, generally
Venereal diseases
  prescription required for treatment drugs, 50-18-110
  preventive articles, sale by vending machine unlawful, 45-8-204
Veterinarians, See **VETERINARY MEDICINE AND VETERINARIANS**
Violations, See **Unlawful practices**
Warehouses
  inspection, 50-31-106
  registration not required, 50-32-302
Warning label on narcotic drugs, 50-31-306
Warning notice upon violations, 50-31-503
Weighing and measuring, exclusion from customer observation provisions, 30-12-504

DRUGSTORES

  See **PHARMACY AND PHARMACISTS**

DRUNKEN DRIVING

  See **DRIVING AND DRIVERS**, **Driving while under the influence of alcohol or drugs**

DRUNKENNESS

  See **ALCOHOL ABUSE; INTOXICATION**

DRY BEANS

See **AGRICULTURAL SEEDS**, generally; **HORTICULTURE**, **Bean storage**; **Grades and brands**, generally

DUELS, 27-1-223

DURESS

See also **CRIMES**

Commercial paper, negotiation under, 30-3-207, 30-3-305
Contracts, effect on consent, See **CONTRACTS**, **Consent**
Death penalty, mitigating circumstance, 46-18-304
Defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Defined, 28-2-402, See **CONTRACTS**, **Consent**
Eminent domain, compensation agreement — coercive action prohibited, 70-31-301
Fraudulent conveyance, applicability of laws, 31-2-324
Landlord and tenant, applicability of laws, 70-24-105
Sentencing, effect, 46-18-222
  death penalty, mitigating circumstance, 46-18-304
Sterilization, interference with right of refusal by, 50-5-504

DURUM WHEAT

See **GRAIN**, generally

DUST AND DUST CONTROL

See **AIR QUALITY**, generally

DUTCH ELM DISEASE CONTROL

See **LOCAL GOVERNMENT**

D.W.I.

See **DRIVING AND DRIVERS**, **Driving while under the influence of alcohol or drugs**

DYNAMITE

See **EXPLOSIVES**, generally

E

EAGLES

See **FISH AND WILDLIFE**, **Birds**; See also **PREDATORS AND PREDATOR CONTROL**, generally

EARNINGS

See **WAGES**

EARTHQUAKES

See **EMERGENCIES AND EMERGENCY POWERS**, generally

EASEMENTS

See **REAL PROPERTY**

EASTERN AGRICULTURAL RESEARCH CENTER, 20-25-224

See also **MONTANA STATE UNIVERSITY**

EASTERN MONTANA COLLEGE

See also **UNIVERSITY SYSTEM**, generally

Construction program
  authorization and consent, 20-25-431
  bid letting requirements, 20-25-434
  bonds
    amount, limitations, 20-25-432
    proceeds, deposit and expenditure, 20-25-434
    sale and issuance, requirements, 20-25-433
Designation, 20-25-201
Donations to, 20-25-252
Legislative intern program, Title 5, chapter 6, See **LEGISLATURE, Interns**
Physical education, athletic, and recreational facilities — construction project, See **Construction program**, generally
Public lands, acceptance of benefits from, 20-25-255
Purpose, 20-25-251

EASTMONT HUMAN SERVICES CENTER

See **DEVELOPMENTALLY DISABLED PERSONS, Eastmont Training Center**; **GLENDIVE NURSING HOME**

EASTMONT TRAINING CENTER

See **DEVELOPMENTALLY DISABLED PERSONS**

ECONOMIC DEVELOPMENT

See also **LAND USE PLANNING**

Aeronautics, purpose of laws regarding, 67-1-102
Business, development generally, 90-1-105, See also **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**
Commerce, Department of
  advisory capacity, 90-1-102
  authority, 90-1-101
  community development functions, 90-1-103
  cooperation with other agencies, 90-1-107
  economic development functions, 90-1-105
  hearings on, 90-1-107
  housing development functions, 90-1-106
  planning functions, 90-1-102
  recreational development functions, 90-1-103, 90-1-104
Community development generally, 90-1-103, See also **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**; **LAND USE PLANNING**
Cooperation of governmental agencies, 90-1-107
Coordination, Title 90, chapter 1, part 1
Development credit corporations, purpose, 32-4-102
Environmental Policy Act, Title 75, chapter 1, See **ENVIRONMENTAL POLICY**
Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Forests, See **FORESTS AND FORESTRY**, generally
Funding, 90-1-102

ECONOMIC DEVELOPMENT (Continued)

Hearings on, 90-1-107
Housing development generally, 90-1-106, See also **HOUSING**
Industrial development, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**
Land development, See **TAXATION, Land development controls**
Local development projects, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Major Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
MELDA, Title 15, chapter 24, part 13, See **TAXATION, Land development controls**
Montana Economic Land Development Act, Title 15, chapter 24, part 13, See **TAXATION, Land development controls**
Montana Environmental Policy Act, Title 75, chapter 1, See **ENVIRONMENTAL POLICY**
Planning boards, See **PLANNING BOARDS**
Planning generally, 90-1-102
Policy of state, 90-1-101
Purpose, 90-1-101
Recreational development generally, 90-1-103, 90-1-104, See also **RECREATION**
Renewable resources, See **RENEWABLE RESOURCE DEVELOPMENT**
Resource indemnity trust tax to support, 15-38-102, 15-38-103, See **TAXATION, Resource indemnity trust tax**
Subdivisions, See **SUBDIVISIONS**
Taxation, relationship, See **TAXATION**
Zoning districts created for, See **ZONING, County districts; Municipal districts; Planning and zoning districts**

ECONOMIC LAND DEVELOPMENT ACT, Title 15, chapter 24, part 13

See **TAXATION, Land development controls**

ECONOMIC OPPORTUNITY PROGRAMS

See **PUBLIC ASSISTANCE, Federal programs**

EDUCATION

Academy, See **LAW ENFORCEMENT ACADEMY**
Accountants, public — continuing education, 37-50-203, 37-50-314
Accreditation of schools, See **SCHOOLS**
Adult, See **SCHOOLS, Adult education**
Advisory councils and committees
  fertilizer, See **COMMERCIAL FERTILIZERS, Advisory committee**
  fire services training, See **FIRE SERVICES TRAINING SCHOOL, Advisory council**
  guaranteed student loan, See **HIGHER EDUCATION, Guaranteed student loan program**
  proprietary postsecondary educational, See **POSTSECONDARY EDUCATIONAL INSTITUTIONS**
  resident financial assistance program, See **HIGHER EDUCATION, Resident student financial assistance program**
Agricultural experiment station, See **MONTANA STATE UNIVERSITY**
Agricultural research centers, 20-25-224, See also **MONTANA STATE UNIVERSITY**
Alcohol abuse instruction, See **UNIVERSITY SYSTEM, Drug and alcohol abuse instruction**
Animals possessed for, rabies control exemptions, 50-23-102
Architects, continuing education, 37-65-306
Blanket disability insurance, See **INSURANCE — DISABILITY**
Boards, See also **EXECUTIVE BRANCH**, generally
  public education, See **PUBLIC EDUCATION, BOARD OF**
  regents of higher education, See **REGENTS OF HIGHER EDUCATION, BOARD OF**
  state board, See **State Board of**
Bond issues, See **SCHOOL FINANCE, Bond issues; Bonds**; See also **SCHOOL ELECTIONS**

EDUCATION (Continued)

Chiropractors, continuing education, 37-12-307
Coal trust funds for, See **COAL, Impact areas; Local impact and education trust fund account**
Colleges, See specific college; See also **COMMUNITY COLLEGE DISTRICTS; UNIVERSITY SYSTEM**
Commission on Federal Higher Education Programs, See **HIGHER EDUCATION, Federal Higher Education Programs, Commission on**
Commissioner of Higher Education, See **HIGHER EDUCATION**
Community colleges, See **COMMUNITY COLLEGE DISTRICTS**
Continuing, See also **SCHOOLS, Adult education; VOCATIONAL EDUCATION**, generally
  accountants, public, 37-50-203, 37-50-314
  architects, 37-65-306
  chiropractors, 37-12-307
  cosmetologists, 37-31-322
  funeral directors, 37-19-316
  morticians, 37-19-316
  nursing home administrators, 37-9-203, 37-9-305
  optometrists, 37-10-308
  pharmacists, See **PHARMACY AND PHARMACISTS**
  public accountants, 37-50-203, 37-50-314
  speech pathologists and audiologists, 37-15-309
  veterinarians, 37-18-307
Corporate gifts for, 35-1-108, 35-2-107, 35-3-205
Cosmetologists, continuing education, 37-31-322
Criminalistics, See **LAW ENFORCEMENT ACADEMY**
County superintendent, See **COUNTY SUPERINTENDENT OF SCHOOLS**
Deaf and blind, school for, See **DEAF AND BLIND, MONTANA STATE SCHOOL FOR THE**
Definitions
  adult education provisions, 20-7-701
  fire services training school provisions, 20-31-101
  general, 20-1-101
  gifted and talented children program provisions, 20-7-901
  proprietary postsecondary educational institutions, 20-30-101
  school finance provisions, 20-9-201, 20-9-341, 20-9-348, 20-9-352, 20-9-402, 20-9-408
  special education provisions, 20-7-401
  traffic education provisions, 20-7-501
  university system provisions, 20-25-501, 20-25-701, 20-26-103, 20-26-1101
Denominational schools, See **PRIVATE SCHOOLS**, generally
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
District superintendents, See **SCHOOL DISTRICTS, District superintendent**
Donations for, 35-1-108, 35-2-107, 35-3-205
Driver, See **SCHOOLS, Traffic education**
Drug abuse instruction, 50-32-105, See also **UNIVERSITY SYSTEM, Drug and alcohol abuse instruction**
Elections, See **SCHOOL ELECTIONS**
Elementary schools, See **SCHOOLS**; See also **PRIVATE SCHOOLS**, generally
Exceptional children, See **SCHOOLS, Special education**
Experimental farms, See **MONTANA STATE UNIVERSITY**
Experiment stations
  agricultural, See **MONTANA STATE UNIVERSITY**
  forest and conservation, See **UNIVERSITY OF MONTANA**
Explosives, applicability of laws when used in educational setting, 50-38-104
Fair Practices, Code of, Title 49, chapter 3, See **DISCRIMINATION, Government, state and local**
Federal Higher Education Programs, Commission on, See **HIGHER EDUCATION**
Fertilizer Advisory Committee, See **COMMERCIAL FERTILIZERS, Advisory committee**
Finance, See **SCHOOL FINANCE**; See also **TRUSTS AND TRUSTEES, Institutional funds**

EDUCATION (Continued)

Financial assistance, See **HIGHER EDUCATION, Guaranteed student loan program; Resident student financial assistance program**
Fire protection and safety regulations in education buildings, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Fire Services Training School, See **FIRE SERVICES TRAINING SCHOOL**
Forest and conservation experiment station, See **UNIVERSITY OF MONTANA**
Forestry school, See **UNIVERSITY OF MONTANA**
Funding, See **SCHOOL FINANCE**; See also **TRUSTS AND TRUSTEES, Institutional funds**
Funeral directors, continuing education requirement, 37-19-316
Gifted and talented children programs, See **SCHOOLS**
Grade schools, See **SCHOOLS**; See also **PRIVATE SCHOOLS**, generally
Grain and seed laboratory, See **MONTANA STATE UNIVERSITY**
Guaranteed Student Loan Advisory Council, See **HIGHER EDUCATION, Guaranteed student loan program**
Guaranteed student loan program, See **HIGHER EDUCATION**
Handicapped children, See **DEAF AND BLIND, MONTANA STATE SCHOOL FOR THE; SCHOOLS, Special education**
Hazardous substances, concerning, 50-30-104
Health education programs, 50-1-202, 50-18-102, 50-70-105
Higher education
  commissioner of, See **HIGHER EDUCATION**
  federal programs, commission on, See **HIGHER EDUCATION**
High schools, See **SCHOOLS**; See also **PRIVATE SCHOOLS**, generally
Hunter safety, 87-2-105
Indian studies, requirements, See **TEACHERS**
Insurance, blanket disability, See **INSURANCE — DISABILITY, Blanket disability**
Interstate Agreement on Qualification of Educational Personnel, 20-4-121 — 20-4-123, See **TEACHERS**
Junior high schools, See **SCHOOLS**; See also **PRIVATE SCHOOLS**, generally
Kindergartens, See **SCHOOLS**
Lab animals possessed for, rabies control exemptions, 50-23-102
Land-grant university, See **MONTANA STATE UNIVERSITY**
Land used for, tax exemption, 15-6-201
Law enforcement, See **LAW ENFORCEMENT ACADEMY**
Law school, See **UNIVERSITY OF MONTANA**
Levies for, See **SCHOOL FINANCE**
Library services, contracts between public libraries and educational institutions, 22-1-309, 22-1-312
Loans for, See **HIGHER EDUCATION, Guaranteed student loan program; Resident student financial assistance program**
Middle schools, See **SCHOOLS**
Mill levies for, See **SCHOOL FINANCE, Levies**
Mines and Geology, the Montana State Bureau of, See **MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY, Mines and Geology, Bureau of**
Minors, parental obligations, See **PARENT AND CHILD, Education of children**
Montana Resident Student Financial Assistance Program, Title 20, chapter 26, parts 1 and 2, See **HIGHER EDUCATION, Resident student financial assistance program**
Morticians, continuing education requirement, 37-19-316
Nuclear, See **NUCLEAR ENERGY, Interstate compact**
Nursing home administrators, continuing education, 37-9-203, 37-9-305
Optometrists, continuing education, 37-10-308
Parental obligation to children, See **PARENT AND CHILD, Education of children**
Parochial schools, See **PRIVATE SCHOOLS**, generally
Peace officers, See **LAW ENFORCEMENT ACADEMY**
Personnel, Interstate Agreement on Qualification of Educational, 20-4-121 — 20-4-123, See **TEACHERS**
Pharmacists, continuing education, See **PHARMACY AND PHARMACISTS**
Police academy, See **LAW ENFORCEMENT ACADEMY**
Postsecondary institutions, See **POSTSECONDARY EDUCATIONAL INSTITUTIONS**

EDUCATION (Continued)

Postsecondary vocational-technical centers, See **VOCATIONAL EDUCATION**
Principals, See **SCHOOLS**
Prisoner supervised release for, 46-23-405, See **PROBATION, PAROLE, AND CLEMENCY, Supervised release**
Private schools, See **PRIVATE SCHOOLS**
Product safety, concerning, 50-30-104
Public accountants, continuing education, 37-50-203, 37-50-314
Public Education, Board of, See **PUBLIC EDUCATION, BOARD OF**
Public schools, See **SCHOOLS**, generally
Pupils, See **SCHOOLS**
Realty Regulation, Board of — educational programs by, 37-51-204
Regents of Higher Education, Board of, See **REGENTS OF HIGHER EDUCATION, BOARD OF**
Resident Student Financial Assistance Program, Title 20, chapter 26, parts 1 and 2, See **HIGHER EDUCATION**
Resident Student Financial Assistance Program Advisory Council, See **HIGHER EDUCATION, Resident student financial assistance program**
Scholarships, discrimination in distribution prohibited, 49-3-206
Schools
  accreditation, See **SCHOOLS**
  boards, See **SCHOOL TRUSTEES**, generally
  buses, See **SCHOOL TRANSPORTATION**
  districts, See **SCHOOL DISTRICTS**
  elementary, See **SCHOOLS**
  finance, See **SCHOOL FINANCE**
  food services, See **SCHOOLS**
  generally, See **SCHOOLS**
  grade, See **SCHOOLS, Elementary schools**
  high, See **SCHOOLS**
  junior high, See **SCHOOLS**
  middle, See **SCHOOLS**
  parochial, See **PRIVATE SCHOOLS**, generally
  private, See **PRIVATE SCHOOLS**
  public, See **SCHOOLS**, generally
  trustees, See **SCHOOL TRUSTEES**
Securities registration, exemption, 30-10-104
Special education for exceptional children, See **SCHOOLS, Special education**
Special fuel users, courtesy vehicle permit, 15-70-302
Specialist certification, See **TEACHERS**, generally
Speech pathologists and audiologists, continuing education, 37-15-309
State Board of, See also **EXECUTIVE BRANCH**, generally
  advisory councils, creation, 2-15-122
  agencies allocated to, 2-15-1511
  arts council, See **ARTS, Montana Arts Council**
  budget review, 20-2-101
  composition, 20-2-101
  creation, 2-15-1501
  defined, 20-1-101
  historical society, See **HISTORICAL SOCIETY**
  library commission, See **LIBRARIES, State Library Commission**
  meetings, 20-2-101
  members, 2-15-201
  officers, 20-2-101
  powers and duties, limitation, 20-2-101
  quorum, 20-2-101
  records, 20-2-114
  rules, 20-2-114
  seal, 20-2-114
State lands held in trust for, 77-1-202
Student loans, See **HIGHER EDUCATION, Guaranteed student loan program; Resident student financial assistance program**

EDUCATION (Continued)

Superintendents, See **COUNTY SUPERINTENDENT OF SCHOOLS; SCHOOL DISTRICTS, District superintendent; SUPERINTENDENT OF PUBLIC INSTRUCTION**
Taxation, relationship, See **SCHOOL FINANCE, Levies; Property tax; TAXATION**
Teachers, See **TEACHERS; UNIVERSITY SYSTEM**
Textbooks, See **SCHOOLS**
Traffic, See **SCHOOLS, Traffic education**
Transportation
  for faculty, free or reduced rates, 69-11-109, 69-11-208
  for pupils, See **SCHOOL TRANSPORTATION**
Trust funds, See **TRUSTS AND TRUSTEES, Institutional funds**
Universities, See specific university; See also **UNIVERSITY SYSTEM**
Venereal disease, education for prevention and control, 50-18-102
Veterinarians, continuing education, 37-18-307
Violation of laws concerning, 20-1-207
Vocational, See **VOCATIONAL EDUCATION**
Vocational-technical schools, See **VOCATIONAL EDUCATION, Postsecondary vocational-technical centers**
Vo-Tech, See **VOCATIONAL EDUCATION, Postsecondary vocational-technical centers**
Western Interstate Commission for Higher Education, Title 20, chapter 25, part 8, See **HIGHER EDUCATION**
Western Regional Higher Education Compact, Title 20, chapter 25, part 8, See **HIGHER EDUCATION**
WICHE, Title 20, chapter 25, part 8, See **HIGHER EDUCATION, Western Interstate Commission for Higher Education**
Wild animals possessed for, rabies control exemptions, 50-23-102
Wool laboratory, See **MONTANA STATE UNIVERSITY**
Work-study programs, See **UNIVERSITY SYSTEM**

E.F.T., Title 32, chapter 6

  See **ELECTRONIC FUNDS TRANSFER**

EGGS

  See **POULTRY AND EGGS**

EJECTMENT

  See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER; LANDLORD AND TENANT, Eviction; REAL PROPERTY, Eviction**

ELDERLY PERSONS

  See **AGING AND AGED PERSONS**

ELECTED OFFICIALS

  See **PUBLIC OFFICERS**; specific office; **STATE AGENCIES**

ELECTIONS

  See also specific office

Absentee voting
  affirmation of ballot, 13-13-221
  application for ballot
    ballot, attachment to returned ballot, 13-13-231
    federal postcard, 13-2-212, 13-2-214, 13-13-212

ELECTIONS (Continued)

Absentee voting (Continued)
  application for ballot (Continued)
    registration card, comparison of signatures, 13-13-213
    time, 13-13-211
    transmittal, 13-13-213
    united states service, persons in, 13-2-212, 13-2-214, 13-13-211
    when, 13-13-211
    written request, 13-13-212
  ballot box, deposit, 13-13-241, 13-13-242, 13-13-244
  certificate of absentee voting information, 13-13-233, 13-13-234
  death of voter, 13-13-204, 13-13-243
  delivery of ballots to judges, 13-13-232
  delivery of ballot to voter, 13-13-213, 13-13-214
  election administrator, voting before prior to election, 13-13-222, See also **COUNTY ELECTION ADMINISTRATOR**
  examination of ballot, 13-13-241, 13-13-242
  federal postcard application, 13-2-212, 13-2-214, 13-13-212
  grounds, 13-13-201, 13-13-222
  handicapped voters, by, 13-13-222, See also **Handicapped voters**
  instructions, 13-13-214
  judges of elections, by, 13-13-201
  late receipt of ballot, 13-2-401, 13-13-232, 13-13-233
  mailing of ballot to voter, 13-13-214
  marking ballot, 13-13-221
  numbering of ballots, 13-13-233
  opening of ballots, 13-13-242, 13-13-244
  pollbooks, entries, 13-13-234
  presence of voter on election day, may vote in person, 13-13-204, 13-13-243
  records, 13-13-233, 13-13-234
  registration of voter, effect, 13-2-401
  rejected ballots, See also **Canvassing of votes**
    disposition, 13-13-243
    endorsement, 13-13-232
    number, recording, 13-13-233
    revote in person, 13-13-204, 13-13-243
    when, 13-13-232, 13-13-241, 13-13-242
  reservation of ballots, recording, 13-12-102, 13-13-242
  residence change immediately prior to election, upon, 13-2-514
  retention of late ballots, 13-13-232, 13-13-233
  return of voted ballot
    disposition of ballot, 13-13-231
    envelope, 13-13-214, 13-13-221
    late receipt, 13-2-401, 13-13-232, 13-13-233
    mail, 13-13-221
    personal delivery to election administrator, 13-13-221
  stamping of ballots, 13-13-214
  voting machines or devices, in precincts where used, 13-13-203, 13-13-204, 13-15-202
  when, 13-13-201

Actions
  ballot issues, adjudication of statements of purpose or implication or fiscal statement, 13-27-316
  bond issues, restraint, 17-5-1001
  campaign violations, See **Campaign finance**; **Campaign practices**
  commissioner of political practices, appeal of removal from office, 13-37-102
  contests, 13-36-101, See **Contest of election**
  injunctions, 13-35-108
  precinct register, to compel entry of name, 13-2-602
  recounts, 13-16-301, See **Recounts**, court order, under
  registration, to compel, 13-2-602
  voiding election, 13-35-107

Administration, 13-1-201, 13-1-301, See **COUNTY ELECTION ADMINISTRATOR**; **SECRETARY OF STATE**

ELECTIONS (Continued)

Advertising, See **Campaign practices**
Advisory opinions, 13-1-202
Amendments to constitutions, See **BALLOT ISSUES; CONSTITUTION OF THE UNITED STATES**
Annual local elections, See **Political subdivisions, elections of**
Annulment of election, 13-35-107, See also **Contest of election**
Applicability of laws, 13-1-201
Arrest
- authority, 13-13-122
- exemptions when, 13-1-115, 46-6-102

Attorney general, duties, See **ATTORNEY GENERAL**
Ballot issues, See **BALLOT ISSUES**
Ballots
- absentee, See **Absentee voting**
- arrangement
  - alphabetical, 13-12-205
  - ballot issues, 13-12-207
  - constitutional amendments, 13-12-207
  - double nomination, when, 13-10-303
  - office
    - grouping of names under, 13-12-203
    - order, 13-12-207
  - order, 13-12-207, 13-17-206
  - rotation, 13-12-205
  - voting machine or device, for, 13-17-206
  - write-in blanks, 13-12-208
- ballot issues, See **BALLOT ISSUES**
- campaign reporting, removal from ballot for failure to file, 13-37-126
- casting, See **Absentee voting; Voting procedure**
- certification, 13-12-201
  - ballot issues, 13-27-501
  - falsification, 13-35-207
  - presidential election, 13-25-101
  - primary election, 13-10-208, 13-10-327
- constitutional amendments and convention, u.s., 13-26-105
- constitutional convention, Montana, 13-1-122
- contents, 13-12-202
- counting, See **Canvassing of votes**
- delivery to polling place, 13-12-102, 13-12-210
- destruction, 13-1-303
- disposition after election, 13-1-303, 13-15-205
- form, 13-12-202, 13-12-212
  - constitutional amendment, u.s., 13-26-105
  - constitutional convention, Montana, 13-1-122
  - primary elections, 13-10-209
  - secretary of state, prescribed by, 13-1-202
- injunction restraining preparation, 13-35-221
- invalid ballots, 13-12-212
- judicial officers, unopposed incumbents, 13-14-212, 13-14-213
- labels when vacancy filled, 13-12-204
- marking, See **Absentee voting; Voting procedure**
- names, format, 13-12-203, 13-12-205
- nonpartisan primary ballots, 13-14-115
- number to each precinct, 13-12-210
- paper ballots
  - form and instructions, 13-12-209
  - pollbook entries, 13-13-115
  - voting machines or devices, use in lieu of or in addition to, 13-17-305, 13-17-306
- party designation, 13-10-303, 13-12-203
  - primary election, 13-10-209, 13-10-303
- preservation, 13-1-303
- presidential electors' names not to be printed, 13-25-101

ELECTIONS (Continued)

Ballots (Continued)
    primary elections, specific provisions, See **Primary elections and nominations**
    printing, 13-12-201
        primary elections, 13-10-208
    provision by election administrator, 13-12-212
    rejection, See **Absentee voting; Canvassing of votes**
    rotation of names, 13-12-205
    sample ballots, 13-12-214, 13-13-112, 13-17-203
    secret ballot, See **Secret ballot**
    spoiled, 13-12-210, 13-13-112, 13-13-117
    uniformity, 13-12-202
    vacancies, labels when filled, 13-12-204
    voting machines, See **Voting machines or devices**
    voting procedure, See **Voting procedure**
    write-in blanks, 13-12-208
Boards
    counting, 13-4-101, 13-15-103
    county canvassers, See **Canvassing of votes**
    county recount, See **Recounts**
    state canvassers, See **Canvassing of votes**
Bond issues, See **BALLOT ISSUES**
Bribery, See **Crimes and prohibited acts**
Campaign finance, See also **Campaign practices**, statements and information to be filed with commissioner of political practices; **Campaign treasurer**
    accounts
        currency, 13-37-208
        deputies, of, 13-37-208
        detail, 13-37-208
        inspection, 13-37-209
        preservation, 13-37-208
        uniform system, 13-37-117
    accounts for deposit, type, 13-37-207
    actions for inspection of accounts, 13-37-209
    actions for violations, 13-37-128
        commencement, 13-37-124
        damages, 13-37-128, 13-37-129
        evidence, 13-37-125
        exclusive remedy, 13-37-130
        fines, disposition, 13-37-129
        investigation, 13-37-125
        judgment, 13-37-130
        notice to county attorney, 13-37-124
        prosecution, 13-37-124
        statute of limitations, 13-37-130
    advertising, 13-37-215
    contributions
        corporate, 13-35-227, 13-35-228
        defined, 13-1-101
        deposit, 13-37-207
        employers, unlawful acts, 13-35-226, 13-35-228
        limitation, 13-37-216
        name of contributor required, 13-37-217
        report required, 13-37-225, 13-37-229, See reporting requirements, in this category
        statement, 13-37-207, See also **Campaign practices**
    depositories, 13-37-205
    election laws, distribution, 13-12-101
    employers coercing or requiring contributions from employees unlawful, 13-35-226, 13-35-228
    exceptions for school districts, 13-37-206
    expenditures
        defined, 13-1-101
        reporting required, 13-37-225, 13-37-230, See reporting requirements, in this category
    forms, provision, 13-37-117

ELECTIONS (Continued)

Campaign finance (Continued)
  income tax
    checkoff, 13-37-303
    deduction, 15-30-121
  investigative authority, 13-37-111, 13-37-123, 13-37-125
  laws, distribution, 13-12-101
  manuals on accounting system, 13-37-117
  media expenses, 13-37-215
  noncompliance orders, See **Campaign practices**, statements and information to be filed with commissioner of political practices
  petty cash fund, 13-37-215
  public funding
    application for funds, 13-37-307
    citation of public campaign fund act, 13-37-301
    definitions, 13-37-302
    distribution of funds, 13-37-304
    public campaign fund, 13-37-304
    records, 13-37-305
    tax checkoff, 13-37-303
    unopposed candidates ineligible, 13-37-308
    violations, 13-37-306
    voluntary, acceptance of funds, 13-37-307
  records
    contributions, deposit statement, 13-37-207
    deposit statement, 13-37-207
    deputy authorization, 13-37-202
    financial disclosure reports, 13-37-231
    public funding disbursements, 13-37-305
  reporting requirements, See also **Campaign practices**, statements and information to be filed with commissioner of political practices
    certification, 13-37-231
    closing report, 13-37-228
    comprehensive report, 13-37-227
    contents, 13-37-228 — 13-37-230
    federal reports accepted, 13-37-225
    filing, 13-37-225, 13-37-226
    investigation, 13-37-111, 13-37-123
    periodic reports, 13-37-228
    preservation, 13-37-231
    required, 13-37-225
    scope of report, 13-37-228
    subsequent reports, 13-37-228
    time periods covered, 13-37-226, 13-37-228
    uniformity, 13-37-117
    verification, 13-37-231
    violations, See actions for violations, in this category
  rulemaking authority, 13-37-114, 13-37-227
  school elections, exceptions, 13-37-206
  treasurer, See **Campaign treasurer**
  trivial benefits not criminalized, 13-35-102
Campaign Finances and Practices, Commissioner of, See **Political Practices, Commissioner of**
Campaign practices
  actions, 13-37-121, 13-37-128
    commencement, 13-37-124
    damages, 13-37-128, 13-37-129
    evidence, 13-37-125
    fines, disposition, 13-37-129
    investigation, 13-37-125
    judgment, 13-37-130
    jurisdiction, 13-37-113
    notice to county attorney, 13-37-124

ELECTIONS (Continued)

Campaign practices (Continued)
- actions (Continued)
  - prosecution, 13-37-113, 13-37-124
  - statute of limitations, 13-37-130
  - venue, 13-37-113
- advertising
  - anonymous, not to be, 13-35-225
  - election day, on, 13-35-233
- "candidate" defined, 13-1-101
- code of fair campaign practices, 13-35-301
  - subscribing to, 13-35-302
- commissioner, See **Political Practices, Commissioner of**
- day of election, campaigning on, 13-35-211, 13-35-233
- defamation
  - ballot issues, in voter information pamphlet, 13-27-408, 13-27-409
  - code of fair campaign practices, 13-35-301
  - criminal charges, 13-35-234
  - radio broadcasts, liability, 27-1-811
  - voter information pamphlet, 13-27-408, 13-27-409
- election laws, distribution, 13-12-101
- employers, unlawful practices, 13-35-226
- endorsement of candidates
  - judicial candidates, political party endorsement unlawful, 13-35-231
  - justices of the peace, political party endorsement prohibited, 3-10-201
  - religious organizations, by — limitation, 13-35-218
- investigative authority, 13-37-111, 13-37-125
- laws, distribution, 13-12-101
- "political committee" defined, 13-1-101
- public employees, by, 13-35-226
- radio broadcasts, liability for defamatory material, 27-1-811
- rulemaking authority, 13-37-114
- statements and information to be filed with commissioner of political practices
  - action to compel, 13-37-121, 13-37-128
    - damages, 13-37-128, 13-37-129
    - procedure, 13-37-124, 13-37-125, 13-37-130
    - statute of limitations, 13-37-130
  - copies, 13-37-119
  - damages for noncompliance, 13-37-128, 13-37-129
  - destruction, 13-37-119
  - effect, 13-37-126
  - examination, 13-37-121, 13-37-123
  - failure to file, 13-12-201, 13-37-121, 13-37-126, 13-37-127
  - filing, 13-37-117
  - fines, disposition, 13-37-129
  - forms prescribed by commissioner, 13-37-117
  - inspection after filing, 13-37-121, 13-37-123
  - investigative authority, 13-37-111
  - noncompliance orders
    - action to compel compliance, 13-37-121, 13-37-128
    - authority to issue, 13-37-115
    - effect, 13-37-126
    - grounds, 13-37-121
    - issuance, 13-37-115, 13-37-121
    - judicial review, 13-37-122
    - review, 13-37-122
    - time for submission of required information, 13-37-121
  - notice of noncompliance, 13-37-121, 13-37-126
  - preservation, 13-37-119
  - public, 13-37-119
  - required, 13-37-126, 13-37-127
  - retention, 13-37-119
  - summaries, 13-37-119

ELECTIONS (Continued)

Campaign practices (Continued)
  statements and information to be filed with commissioner (Continued)
    vacancies created by failure to file, 13-37-126
    voluntary, 13-37-118
  trivial benefits not criminalized, 13-35-102
  volunteers, excluded as contribution, 13-1-101
Campaign treasurer, See also **Campaign finance**
  advertising, to be identified on, 13-35-225
  certification, 13-37-201 — 13-37-203
  committees, for — organizational statement, 13-37-201
  criminal conviction, ineligible as candidate, 13-35-106
  death, 13-37-204
  deputies, 13-37-202, 13-37-205, 13-37-208
  exceptions for school districts, 13-37-206
  noncompliance orders, application for review, 13-37-122
  petty cash withdrawals, 13-37-215
  qualifications, 13-37-203
  records of, 13-37-202, 13-37-207, 13-37-208, 13-37-305
    inspection, 13-37-209, 13-37-305
  removal, 13-37-204
  reports, failure to file, 13-37-126, 13-37-127
  required, 13-37-201
  resignation, 13-37-204
  school elections, 13-37-206
  vacancies, 13-37-204, 13-37-208
Cancellation of election, 13-1-304, 13-10-209
Candidates, See also main category for specific office
  campaigning, See **Campaign** categories
  commissioners of political practices, former — as, 13-37-103
  conviction of election laws violation, effect, 13-35-106
  eligibility, 49-1-202, 49-1-203
  finances, See **Campaign finance**
  independent
    congressional special elections, filing of nominating petition, 13-25-205
    nomination, 13-10-501, See **Nomination of candidates**
    party name, use by, 13-10-602
    party nomination, forfeiture of place as independent, 13-10-305
    presidential candidates, See **Presidential elections**
  indigent, primary election, See **Primary elections and nominations**
  judge of election, prohibited as, 13-4-107
  laws, distribution of election laws to, 13-12-101
  nomination, See **Nomination of candidates**; **Primary elections and nominations**
  poll watchers, requests for additional poll watchers by, 13-13-121
  recount board member, disqualification, 13-16-101
  vacancies, See **Vacancies**
  withdrawal, 13-10-325
    primary, from, 13-10-326
    successor candidate, 13-10-327
  write-in candidates, See **Write-in candidates and votes**
Canvassers, Board of, See **Canvassing of votes**
Canvassing of votes
  ballot issues, applicability of laws, 13-27-503
  certification of nomination or election
    campaign reporting, withholding for failure, 13-37-127
    contests, effect, 13-36-104, 13-36-207
    court, by, 13-36-104
    defect in return, effect, 13-15-102
    destruction or defacing, 13-35-206
    election administrator, issuance, 13-15-406
    falsification, 13-35-207
    issuance, 13-15-406
    suppression, 13-35-205

ELECTIONS (Continued)

Canvassing of votes (Continued)
- certification of pollbook, 13-15-204
- certification of polls not open in a precinct, 13-15-402
- certification of results
  - county canvassers, by, 13-15-403, 13-15-405
  - destruction or defacing, 13-35-206
  - election administrator, to, 13-15-405
  - governor, to, 2-15-401, 13-15-507
  - report of canvass, 13-15-507
  - secretary of state, by, 2-15-401
  - state canvassers
    - by, 13-15-505, 13-15-507
    - to, 13-15-501
  - suppression, 13-35-205
  - tie vote, 13-15-405
- commissions, See **Commissions to elected individuals**
- constitutional convention and amendments, u.s., 13-26-104
- contest, 13-36-101, See **Contest of election**
- counting board, 13-4-101, 13-15-103
- counting of votes, 13-15-202
  - ballot issues, 13-27-503
  - continuous, 13-15-101
  - early counting, no disclosure, 13-15-103
  - incorrectness presumed when, 13-16-303
  - nonpartisan ballots, 13-14-116
  - poll watchers may be present, 13-13-120, 13-13-121
  - preparation for, 13-15-201
  - primary election, 13-10-311
  - public, 13-15-101
  - rejected ballots may not be included, 13-15-202
  - when, 13-15-101, 13-15-103
- county canvassers, board of
  - certification of results, 13-15-403, 13-15-405, 13-15-501
  - composition, 13-15-401
  - declaration of results, 13-15-405
  - delinquent returns, procedure, 13-15-402
  - meetings, 13-15-401
  - minutes, 13-15-401
  - procedure, 13-15-301, 13-15-403
  - record, 13-15-404
  - recount by, 13-16-211
  - report, 13-15-404
  - secretary, 13-15-401, 13-15-404
  - vacancies, 13-15-401
- declaration of result
  - contest, effect, 13-36-104, 13-36-212
  - county canvassers, by, 13-15-403
  - court, by, 13-36-104, 13-36-212
  - defect in return, effect, 13-15-102
  - destruction or defacing unlawful, 13-35-206
  - falsification, 13-35-207
  - highest votes for declaration, 13-15-405, 13-15-505, 13-36-212
  - public, 13-15-101, 13-15-403, 13-15-505
  - state canvassers, by, 13-15-505
  - suppression unlawful, 13-35-205
- defect, 13-15-102
- disposition of election materials, 13-1-303, 13-15-301
- folded together ballots, 13-15-201
- interference with, 13-35-203
- nonpartisan elections, 13-14-116
- number of electors voting, record, 13-1-204, 13-15-404, 13-15-506
- obstruction, 13-35-203

ELECTIONS (Continued)

Canvassing of votes (Continued)
- pollbook
  - certification, 13-15-204
  - delivery to election administrator, 13-15-205, 13-15-301
  - duplicates for counting board, 13-15-103
  - entries, 13-15-202
  - reconciliation with ballots, 13-10-311, 13-15-201
  - signing, 13-15-204
- poll watchers, 13-13-120, 13-13-121
- presidential elections, 13-25-103
- primary election, applicability of laws, 13-10-301, 13-10-311
- proclamation of result on ballot issues, 13-15-507
- public, 13-15-101, 13-15-403, 13-15-505
- reconciliation of ballots with pollbooks, 13-10-311, 13-15-201
- recounts, See **Recounts**
- rejection of ballots
  - count, may not be included, 13-15-202
  - folded together, 13-15-201
  - marking of ballots, 13-15-203
  - nonessentials to be disregarded, 13-15-403
- removal of ballots before counting unlawful, 13-35-206
- return of election materials to election administrator, 13-15-205
- returns, 13-15-101
  - defect, 13-15-102, 13-15-403
  - delinquent, 13-15-402, 13-15-503
  - destruction or injury, 13-35-206
  - nonpartisan elections, 13-14-116
  - presidential elections, 13-25-103
  - tampering with, 13-35-205
- sealing of election materials, 13-15-205
- stamp on ballot, missing, 13-15-201
- state canvassers, board of
  - allocation, 2-15-412
  - certification by, 13-15-505, 13-15-507
  - composition, 13-15-502
  - county canvassers, certification from, 13-15-501
  - creation, 2-15-412
  - delinquent returns, procedure, 13-15-503
  - expenses, 13-16-205
  - meetings, 13-15-502, 13-15-505
  - minutes, 13-15-502
  - procedure, 13-15-505
  - public meetings, 13-15-505
  - record, 13-15-502, 13-15-506
  - recounts by, 13-16-205, 13-16-419
  - report, 13-15-506, 13-15-507
  - secretary, 13-15-502, 13-15-506
  - write-in votes, 13-15-505, 13-15-506
- tally sheets, 13-15-202, 13-15-205, 13-15-301, 13-15-403
  - primary elections, 13-10-311
- tampering with ballots, 13-35-205
- tie votes, See **Tie votes**
- voiding election, 13-35-107
- voting machines, precincts where used, 13-15-103
  - paper ballots, 13-15-202, 13-17-305
- winner, 13-1-103, 13-15-405, 13-15-507
- write-in votes, 13-15-403, 13-15-404, 13-15-505, 13-15-506

Central committees, See **Political parties**

Certifications, See **Canvassing of votes**

Challenges
- ballot issues
  - fiscal statement, 13-27-316

ELECTIONS (Continued)

Challenges (Continued)
  ballot issues (Continued)
    petition signatures, 13-27-306
    statements of implication or purpose, 13-27-316
  handicapped voter, 13-13-118
  registration of voters, See **Registration of voters**
  right to vote
    affidavit, by, 13-2-404
    determination, 13-13-307, 13-13-309, 13-13-310
    examination of voter, 13-13-304
    grounds, 13-13-301, 13-13-310
    handicapped voter, of, 13-13-118
    list of challenges, 13-13-310, 13-15-205
    oath of challenged voter, 13-13-304, 13-13-306, 13-13-307
    on election day, 13-13-301
    orally, 13-13-301
    prior to election day, 13-2-404
    vote of challenged voter, 13-13-309, 13-13-311
    witnesses, 13-13-305
Chief election officer, 13-1-201, See **SECRETARY OF STATE**
Churches, improper influence of voters, 13-35-218
City, See **CITIES AND TOWNS**
City central committees, See **Political parties**
City-county, See **CITY-COUNTY CONSOLIDATION — OPTION TWO**
Clergy, improper influence of voters, 13-35-218
Code of Fair Campaign Practices, Title 13, chapter 35, part 3, See **Campaign practices**
Commissioner of Political Practices, See **Political Practices, Commissioner of**
Commissions to elected individuals, 13-15-504
  defect, 13-15-102
  incumbents, 2-15-401
  seal, 2-15-401
Committees, See **Political parties**
Community college district organization and trustees, See **SCHOOL ELECTIONS**
Congressional districts, apportionment, Title 5, chapter 1, See **REAPPORTIONMENT COMMISSION**, generally
Congressional elections
  applicability of laws, 13-25-103, 13-25-201
  ballot arrangement, 13-12-207
  campaign finance reports, 13-37-225
  certification of election, 13-15-501, 13-25-204
  date, 13-1-104
  declaration of nomination, filing, 13-10-201
  general election, date, 13-1-104
  nominations, 13-10-201, 13-25-201, 13-25-205
  recounts, specific provisions, 13-16-201, 13-16-418, See also **Recounts**
  special election, 13-16-502, 13-25-205
  tie vote, 13-16-502
  vacancies, elections to fill
    representatives, 13-25-203, 13-25-205
    senators, 13-25-202, 13-25-205
    special election, 13-25-205
  when, 13-25-201
Conservation districts, within, See **CONSERVATION DISTRICTS**
Constitutional amendments, See **BALLOT ISSUES; CONSTITUTION OF THE UNITED STATES**
Constitutional conventions, votes upon, See **BALLOT ISSUES**, generally; **CONSTITUTION OF MONTANA; CONSTITUTION OF THE UNITED STATES**
Construction of laws, 13-1-201
Contest of election
  advancement on calendar, 13-36-206, 13-36-208
  answer, 13-36-206
  attorney's fees, 13-36-204, 13-36-205, 13-36-207

ELECTIONS (Continued)

Contest of election (Continued)
- "ballot issue" defined, 13-1-101
- bond, 13-36-204, 13-36-205
- calendar precedence, 13-36-206, 13-36-208
- "candidate" defined, 13-1-101
- commencement, 13-36-102, 13-37-124
- continuance, 13-36-208
- costs, 13-36-204, 13-36-205, 13-36-207, 13-36-208, 13-37-124
- declaration of result, 13-36-212
- dismissal, 13-36-208
- effect, 13-36-209 — 13-36-212
- election materials, preservation pending, 13-1-303
- evidence, 13-36-202, 13-36-207, 13-36-208, 13-37-125
- forfeiture of office when, 13-36-209 — 13-36-211
- grounds, 13-36-101, 13-36-211, 13-37-130
- illegal votes, allegations and evidence, 13-36-101, 13-36-202, 13-36-211, 13-36-212
- immunity from prosecution
  - candidate, 13-36-210
  - witnesses, 13-36-208
- investigation, 13-37-111, 13-37-125
- issues, 13-36-207
- joinder, 13-36-207
- judgment, 13-36-104, 13-36-205, 13-36-207, 13-36-209, 13-36-210
- jurisdiction, 13-36-102, 13-36-103, 13-37-113
- jury, 13-36-207
- laws furnished to election administrator, 13-12-101
- nomination, special provisions, 13-36-104
- notice, 13-36-102, 13-36-206, 13-37-124
- parties, 13-36-207
- petition or complaint
  - contents, 13-36-201
  - filing, 13-36-206
  - form, 13-36-203
  - verification, 13-36-203
- postponement, 13-36-208
- prosecution, 13-37-113, 13-37-124
- punishment, 13-36-210
- result, 13-36-209 — 13-36-212
- security, 13-36-204, 13-36-205
- statute of limitations, 13-36-102
- testimony, 13-36-202, 13-36-208
- time, 13-36-102
- vacancies resulting from, 13-36-207, 13-36-210
- venue, 13-36-103, 13-37-113
- witnesses, 13-36-208, 13-37-125

Contributions, See **Campaign finance**
Conventions, See **Political parties**; **CONSTITUTION OF MONTANA**; **CONSTITUTION OF THE UNITED STATES**
Costs, See **Fees and costs**
Counting of votes, See **Canvassing of votes**
County, See **COUNTIES**
County attorney, duties, See **COUNTY ATTORNEY**
County Canvassers, Board of, See **Canvassing of votes**
County central committees, See **Political parties**
County clerk and recorder as election administrator, 13-1-301, See **COUNTY ELECTION ADMINISTRATOR**; See also **COUNTY CLERK AND RECORDER**
County election administrator, 13-1-301, See **COUNTY ELECTION ADMINISTRATOR**
County Recount Board, See **Recounts**
Crimes and prohibited acts
- accountability, 13-35-105
- aiding and abetting, 13-35-105

ELECTIONS (Continued)

Crimes and prohibited acts (Continued)
- applicability of laws, 13-17-106, 13-35-101, 13-35-102
- attempt, 13-35-104
- ballot
  - destruction or removal, 13-35-206
  - falsification, 13-35-207
  - revealing contents, 13-13-311, 13-35-201, 13-35-202
  - tampering with, 13-35-205
- ballot issues
  - falsification of petition, 13-27-106, 13-35-207
  - warnings on petitions, 13-27-204 — 13-27-207
- bribery, 13-35-102, 13-35-214, 13-35-215, 13-35-220, 45-7-101
- campaigning
  - advertising not to be anonymous, 13-35-225
  - election day, on, 13-35-211, 13-35-233
  - financial violations, 13-35-106, 13-37-130
  - public funding violations, 13-37-306
- "candidate" defined, 13-1-101
- contests of results, violation as grounds, 13-36-101
- conviction, effect, 13-35-106
- corporate contributions, 13-35-227, 13-35-228
- criminal code not superseded, 13-35-101
- deceptive practices, 13-35-207, 13-35-208
- defamation, 13-35-234
- destruction of election equipment, supplies, or records, 13-35-206
- effect on election, 13-35-107
- electioneering on election day, 13-35-211, 13-35-233
- employers, coercion or influence of employees, 13-35-226, 13-35-228
- falsification, 13-27-106, 13-35-207
- handicapped voters, deception, 13-35-208
- impersonations, 13-35-207, 13-35-209, 13-35-210
- influencing electors improperly, 13-35-102, 13-35-214, 13-35-215, 13-35-217, 13-35-218, 13-35-226, 45-7-101, 45-7-102
- influencing political officers improperly, 13-35-220
- injunction, 13-35-108
- injury to election equipment, supplies, and records, 13-35-206
- investigation, 13-37-111
- judges and officials of election
  - interference with, 13-35-203
  - misconduct by, 13-13-311, 13-35-202, 13-35-204, 13-35-217
- judicial candidates, partisan support, 13-35-231
- jurisdiction of district court, 13-35-108, 13-37-113
- laws, distribution to
  - election administrators, 13-12-101
  - voters, 13-13-113
- misdemeanor when no penalty specified, 13-35-103
- nominations
  - certificate or declaration
    - destruction or defacing, 13-35-206
    - falsification, 13-35-207
    - suppression, 13-35-205
  - improper, 13-35-221
  - influence to obtain, improper, 13-35-220, 13-35-221
- obstruction of polling place, 13-13-122, 13-35-218
- obstruction of voters' meetings, 13-35-213
- payment for vote, 13-35-215
- penalties
  - criminal code not superseded, 13-35-101
  - none specified, when, 13-35-103
  - supplemental, 13-35-106
- public campaign funds, violations, 13-37-306
- public meetings, disturbance, 13-35-213

ELECTIONS (Continued)

Crimes and prohibited acts (Continued)
    public officers and employees, political activity, 13-35-226
    records, tampering with, 13-35-205, 13-35-206
    registration
        falsification, 13-35-207, 13-35-209
        lists, tampering with, 13-35-205
    returns
        destruction or removal, 13-35-206
        falsification, 13-35-207
        tampering with, 13-35-205
    right to vote, abuse, 13-35-210
    scope of laws, 13-35-101
    secret ballot, violation of secrecy, 13-35-201, 13-35-202
    solicitation of voters, 13-35-218
    statute of limitations, 13-35-101, 13-35-107
    tampering with records, information, and equipment, 13-35-205
        ballot issues, petition, 13-27-106
    threats and other improper influence, 13-35-213, 13-35-218, 45-7-102
    trivial benefits not criminalized, 13-35-102
    voiding of election due to, 13-35-107
    voting machines
        applicability of laws, 13-17-106
        destruction or injury, 13-35-206
        tampering with, 13-35-205, 13-35-206
    voting rights, abuse, 13-35-209
    warnings, display at polling places, 13-13-113
Criminal conviction of elector, See **Electors**
Dates, See also **Time**
    general elections, 13-1-104
    primary elections, 13-1-104, 13-1-107
    special elections, 13-1-108
Death, effect on elections, See **DEATH**
Defamation, See **Campaign practices**
Definitions
    anything of value, 13-1-101
    attorney general's explanatory statement, 13-27-315
    ballot issue, 13-1-101
    candidate, 13-1-101, 13-37-302
    contribution, 13-1-101
    election, 13-1-101
    election administrator, 13-1-101
    election precinct, 13-3-101
    elector, 13-1-101
    elector in the united states service, 13-2-211
    expenditure, 13-1-101
    fund, 13-37-302
    general election, 13-1-101
    independent committee, 13-37-216, 13-37-226
    individual, 13-1-101, 13-37-302
    issue, 13-1-101
    people, as a political body, 1-1-401
    person, 13-1-101
    political committee, 13-1-101
    political party, 13-37-302
    political subdivision, 13-1-101
    precinct, 13-3-101
    primary election, 13-1-101
    public office, 13-1-101
    registrar, 13-1-101
    special election, 13-1-101
    total vote cast, 13-16-202
    voting machine or device, 13-1-101

ELECTIONS (Continued)

Democrats, See **Political parties**
Depositories, 13-37-205
Disabled voters, See **Handicapped voters**
Disputed results, See **Contest of election**
District court judges, See **Judicial candidates**
Districts
  apportionment, Title 5, chapter 1, See **REAPPORTIONMENT COMMISSION**, generally
  list to secretary of state, 13-1-204
Election administrators, See **COUNTY ELECTION ADMINISTRATOR**
Election judges, See **Judges of elections**
Election officer, chief, 13-1-201, See **SECRETARY OF STATE**
Election officers, See **Judges of elections**
Electoral college, See **Presidential elections**
Electoral districts
  apportionment, Title 5, chapter 1, See **REAPPORTIONMENT COMMISSION**, generally
  list to secretary of state, 13-1-204
Electors
  age, 13-1-111, 13-1-114
  arrest exemptions, 13-1-115, 46-6-102
  assistance to handicapped or illiterate voter, See **Handicapped voters**
  ballot issues
    petition, must be qualified elector to sign, 13-27-102
    voter information pamphlet, See **BALLOT ISSUES**
  bribery, See **Crimes and prohibited acts**
  campaign treasurer must be, 13-37-203
  challenges, See **Challenges**
  citizenship, 13-1-111, 13-2-206
  convicted offenders, 13-1-111, 13-1-112, 13-2-402, 13-13-301, 46-18-801
  death, 13-2-402, 13-13-204, 13-13-243
  deception unlawful, 13-35-208
  defined, 13-1-101
  disabled, See **Handicapped voters**
  handicapped, See **Handicapped voters**
  illiterate, 13-13-119
  judges of elections, as, 13-4-102
  jurors to be chosen from, 3-15-301, 3-15-402
  meetings of, obstruction unlawful, 13-35-213
  mental illness, 13-1-111, 13-2-402, 13-13-301
  military personnel, See **Military personnel**
  name change, 13-2-511, 13-2-512
  new voter lists to political parties, 13-38-103
  number voting, record, 13-1-204, 13-15-404, 13-15-506
  office, eligibility for, 49-1-202
  party committeeman, as, 13-38-201
  "people, as a political body" defined, 1-1-401
  public meetings of, obstruction unlawful, 13-35-213
  qualifications
    age, 13-1-111, 13-1-114
    challenge, See **Challenges**
    citizenship, 13-1-111, 13-2-206
    convicted offenders, 13-1-111, 46-18-801
    mental capacity, 13-1-111
    registration, 13-1-111, See **Registration of voters**
    residence, 13-1-111, See residence, in this category
  register of, See **Precinct register**
  registration, 13-1-111, See **Registration of voters**
  residence, 13-1-111
    challenge, 13-2-403, 13-13-301, 13-13-304, 13-13-306
    change, 13-1-112, 13-2-511, 13-2-512, 13-2-514
    determination, rules, 13-1-112, 13-1-114

ELECTIONS (Continued)

Electors (Continued)
- residence (Continued)
  - future residence, registration based on, 13-2-205
  - registration in county of, 13-2-202, 13-2-203
  - single residence, 13-1-113
  - time, computation, 13-1-114
- rights and duties of voters, 49-1-203
- threats and other improper influence on, See **Crimes and prohibited acts**
- voter information pamphlet, See **BALLOT ISSUES**

Endorsement of candidates, See **Campaign practices**
Erroneous results, See **Contest of election**
Expenditures, See **Campaign finance**
Federal office, elections for, See **Congressional elections**; **Presidential elections**
Fees and costs
- annual elections, 13-1-302
- commissioner of political practices, copies of information filed with, 13-37-119
- election administrators' expenses, 13-1-203, 13-1-302, 13-2-117
- filing, See also **Primary elections and nominations**
  - nomination without primary election, 13-10-503
  - nonpartisan primary election, 13-14-112
- general election, 13-1-302
- nomination without primary election, filing fee, 13-10-503
- nonpartisan primary election, filing fee, 13-14-112
- precinct register copies, 13-2-122
- primary election, 13-1-302
  - filing fees, See **Primary elections and nominations**
- recounts, 13-16-205, 13-16-211, 13-16-307
- special elections, 13-1-302

Finances, See **Campaign finance**
Forms generally, 13-1-202
Funding, See **Campaign finance**; **Fees and costs**
General election, See also this main category generally
- cost, 13-1-302
- date, 13-1-104
- defined, 13-1-101

Gifts, See **Campaign finance**
Gubernatorial campaign fund, Title 13, chapter 37, part 3, See **Campaign finance**, public funding
Handicapped voters
- absentee voting, 13-13-201, 13-13-211, 13-13-222
- challenge of right to vote, 13-13-118
- deception of, unlawful, 13-35-208
- marking ballot, assistance, 13-13-118, 13-13-119
- precinct register, assistance in signing, 13-13-114
- taking ballot to voter on premises, 13-13-118

Illegal votes, See **Contest of election**
Independent candidates, See **Candidates**
Indigent candidates, See **Primary elections and nominations**
Influencing electors improperly, See **Crimes and prohibited acts**
Initiatives, See **BALLOT ISSUES**
Injunctions when, 13-35-108
- ballot preparation, upon, 13-35-221

Instructions generally, 13-1-202, See **Absentee voting**; **Voting machines or devices**; **Voting procedure**
Issues, 13-1-101, See **BALLOT ISSUES**
Judges of elections
- absentee voting
  - ballot box, deposit of ballot in, 13-13-241, 13-13-242
  - by, 13-13-201
  - certificate of absentee voting information to, 13-13-233, 13-13-234
  - death of voter, duties, 13-13-243
  - delivery of ballots to, 13-13-232

ELECTIONS (Continued)

Judges of elections (Continued)
- absentee voting (Continued)
  - examination of ballot by, 13-13-241, 13-13-242
  - opening of ballots by, 13-13-242
  - pollbook entries by, 13-13-234
  - records by, 13-13-234
  - rejected ballots
    - affirmation insufficient, rejection by, 13-13-241
    - disposition by, 13-13-243
    - initialling by, 13-13-241 — 13-13-243
    - revote in person, initialling of ballot, 13-13-243
- appointment
  - emergency, 13-4-207
  - notice, 13-4-104
  - number, 13-4-101
  - qualifications, 13-4-102
  - vacancies, 13-4-102
  - when, 13-4-101
- canvassing of votes
  - counting by, 13-15-101, 13-15-202
    - counting board, 13-15-103
    - early counting, disclosure prohibited, 13-15-103
    - incorrectness presumed, 13-16-303
    - marshal of counting board, 13-15-103
    - preparation for, 13-15-201
  - disposition of election materials, 13-1-303, 13-15-205
  - folded together ballots, disposition, 13-15-201
  - oaths, 13-15-301, 13-15-403
  - pollbook
    - certification, 13-15-204
    - delivery to election administrator, 13-15-205, 13-15-301
    - duplicates for counting board, 13-15-103
    - entries by, 13-15-202
    - reconciliation with ballots, 13-10-311, 13-15-201
    - signing, 13-15-204
  - reconciliation of ballots with pollbook, 13-10-311, 13-15-201
  - recount, presumption of incorrectness, 13-16-303
  - rejection of ballots by, 13-15-201, 13-15-203, 13-15-403
  - return of election materials by, 13-1-303, 13-15-205
  - returns
    - delinquent, notice to, 13-15-402
    - delivery, 13-15-205
    - posting by, 13-15-101
    - preparation, 13-15-101
  - sealing of election materials, 13-15-205
  - stamp on ballot, missing, 13-15-201
  - tally sheets, preparation and disposition, 13-15-202, 13-15-205
- challenges of electors
  - affidavit, copy to, 13-2-404
  - authority, 13-13-305
  - determination by, 13-2-402, 13-13-305, 13-13-307, 13-13-310
  - duties, 13-13-304
  - examination of voter by, 13-13-304
  - list of challenges kept by, 13-13-310
  - oath of challenged voter, administering, 13-13-304, 13-13-306
  - pollbook entries by, 13-13-311
  - record, 13-13-310, 13-13-311
  - witnesses, production required by, 13-13-305
- chief judge
  - absentee voting certificates to, 13-13-233
  - authority, 13-4-201
  - designation, 13-4-101, 13-4-207

ELECTIONS (Continued)

Judges of elections (Continued)
- chief judge (Continued)
  - duties, 13-4-201
  - excuse from polling place, 13-4-207
  - labels for filled vacancies, delivery to, 13-12-204
  - returns, notice when delinquent, 13-15-402
  - supplies
    - delivery to, 13-12-102, 13-12-204
    - disposition by, 13-15-205
  - training sessions, 13-4-203
  - travel expenses, 13-4-106
  - voting machines, training in, 13-17-201
- compensation, 13-4-106
- counting board, 13-4-101, 13-15-103
- duties generally, 13-4-201
- emergencies, excuse from polling place, 13-4-207
- excuse from polling place, 13-4-207
- illness, 13-4-207
- instruction session, 13-4-104, 13-4-106, 13-4-203
- lists selected from, 13-4-102
- meeting time, 13-13-101
- notice of
  - appointment, 13-4-104
  - training sessions, 13-4-203
- number, 13-4-101
- oaths, 13-4-105, 13-4-202, 13-13-101, 13-15-301, 13-15-403
- party representation, 13-4-102
- polling places
  - poll watchers, permission by, 13-13-120
  - preparation by, 13-13-101
  - proclamation of opening or closing, 13-13-101
- precinct register — certificate of omission, duties, 13-2-603
- primary elections, duties, 13-10-301, 13-10-311
- qualifications, 13-4-102, 13-4-107
- recounts, presumption of incorrectness, 13-16-303
- residence of elector, noting of change, 13-2-514
- second board, 13-4-101
- term of office, 13-4-103
- training sessions, 13-4-104, 13-4-106, 13-4-203
  - voting machines, for, 13-4-203, 13-17-103, 13-17-201
- travel expenses, 13-4-106
- united states service, electors just discharged from — presentment of certificate of registration, 13-2-515
- vacancies, 13-4-102, 13-4-203
- voting machines or devices
  - abuse, control, 13-13-111, 13-17-301
  - arrangement at polling place to be in view of, 13-17-301
  - ballots, paper — to voter on request, 13-17-305
  - certification of instruction, 13-17-201
  - counting of votes, 13-17-305
  - instructions for, 13-4-203, 13-17-103, 13-17-201
  - paper ballots, provision on request, 13-17-305
  - placement in polling place to be in view of, 13-17-301
  - remaining too long within, authority to eject voter, 13-13-111, 13-17-301
- voting procedures generally
  - absentee voting, See absentee voting, in this category
  - ballot
    - deposit in ballot box by, 13-13-117, 13-35-202
    - given to voter by, 13-35-201
    - handed to, 13-13-117, 13-35-201
    - secrecy of, violation by, 13-35-202
    - stamping, 13-13-116, 13-35-202

ELECTIONS (Continued)

Judges of elections (Continued)
  voting procedures generally (Continued)
    ballot box, deposit of ballot in, 13-13-117, 13-35-202
    booths, authority over use, 13-13-111
    challenges, See challenges, in this category
    disabled elector, assistance to, 13-13-114, 13-13-118, 13-13-119
    illiterate elector, assistance to, 13-13-119
    names of electors, announcement, 13-13-120
    poll watchers, permission to, 13-13-121
    precinct register, assistance to electors and enforcement, 13-13-114, 13-13-119
    primary elections, See primary elections, in this category
    stamping of ballot, 13-13-116
    voting machines, authority over use, 13-13-111
Judicial candidates, See also **Nonpartisan elections**
  applicability of laws, 13-14-111
  ballot when incumbent unopposed, 13-14-212, 13-14-213
  clerk of the district court, See **CLERK OF THE DISTRICT COURT**
  clerk of the supreme court, 3-2-401, 13-12-207
  district court judges
    ballot arrangement, 13-12-207, 13-14-213
    campaign contribution limitations, 13-37-216
    campaign finance reports, filing, 13-37-226
    certification of vote, 13-15-501
    date, 13-1-104
    declaration of nomination, where filed, 13-10-201
    general election, date, 13-1-104
    judicial districts enumerated, 3-5-101
    judicial nomination commission, term of office when elected by, 3-1-1014
    number of judges, 3-5-102
    qualifications, 3-5-202
    recounts, 13-16-201, 13-16-418, See also **Recounts**
    required, 3-5-201
    residence, 3-5-202
    resignation required upon candidacy for other office, 3-1-607, 3-1-608
    term of office, 3-1-1014, 3-5-203, 3-5-204
    tie vote, 13-16-503
  incumbent, unopposed — ballot, 13-14-212, 13-14-213
  justices of the peace, 3-10-201
    ballot arrangement, 13-12-207
  municipal court judges, 3-6-201, 3-6-202
  nonpartisan, 3-6-201, 3-10-201, 13-14-111, See **Nonpartisan elections**
  political party endorsement prohibited, 3-10-201, 13-35-231
  recounts, 13-16-201, 13-16-418, See also **Recounts**
  resignation from current office required when, 3-1-607, 3-1-608
  separate and independent offices, 13-14-211
  supreme court clerk, 3-2-401, 13-12-207
  supreme court justices
    ballot arrangement, 13-12-207, 13-14-213
    campaign funds, public, 13-37-302, 13-37-308, See **Campaign finance**, public funding
    qualifications, 3-2-102
    term of office, 3-2-101, 3-2-103
    tie vote, 13-16-503
  tie vote, 13-16-503
  vacancies among nominees prior to general election, 13-14-118
    ballot form, 13-14-213
Jurors to be chosen from electors, 3-15-301, 3-15-402
Justices of the peace, See **Judicial candidates**
Laws
  applicability, 13-1-201
  construction, 13-1-201
  distribution, 13-12-101
  opinions, 13-1-202

ELECTIONS (Continued)

Laws (Continued)
  publication, 13-12-101
  uniformity, 13-1-201
Legislative districts, apportionment, Title 5, chapter 1, See **REAPPORTIONMENT COMMISSION**, generally
Libel, See **Campaign practices**, defamation
Local elections, See **Political subdivisions, elections of**
Local government, See **LOCAL GOVERNMENT**
Machines, See **Voting machines or devices**
Maps, precincts, 13-1-204, 13-3-103
Military personnel
  absentee voting, 13-13-211, See **Absentee voting**
  discharge, voting when immediately prior to election day, 13-2-215
  registration, See **Registration of voters**, electors in united states service
  residence, 13-1-112
Municipal court judges, See **Judicial candidates**
Nomination of candidates
  bribery to influence, 13-35-220
  "candidate" defined, 13-1-101
  certification, See declaration of nominee, in this category; **Canvassing of votes**
  congressional elections, 13-10-201, 13-25-201
    special election, 13-25-205
  constitutional convention delegates, 13-26-103
  contested, 13-36-101, 13-36-104, See **Contest of election**
  conviction of election law violations, effect, 13-35-106
  declaration of nominee, 13-15-405, 13-15-507, See also **Canvassing of votes**, certification
    campaign reporting deficiencies, effect, 13-37-127
    destruction or defacing unlawful, 13-35-206
    falsification unlawful, 13-35-207
    suppression unlawful, 13-35-205
  improper, 13-35-220, 13-35-221
  independent candidates, petition for nomination
    applicability of laws, 13-10-505
    fees, 13-10-503
    filing, 13-10-503
    party nomination, effect, 13-10-305
    presidential elections, 13-10-504
    required, 13-10-501
    signatures, 13-10-502
    write-in nomination by political party, effect of acceptance, 13-10-305
  injunction restraining, 13-35-221
  minor parties, candidates of — petition for nomination
    applicability of laws, 13-10-505, 13-10-604
    fees, 13-10-503
    filing, 13-10-503
    presidential election, 13-10-504
    required, 13-10-501
    signatures, 13-10-502
  nonpartisan offices, See **Nonpartisan elections**
  petition for nomination, 13-10-501 — 13-10-505, 13-10-604
  "political committee" defined, 13-1-101
  political party, by, 13-10-601, See **Primary elections and nominations**
  presidential electors, 13-10-601, 13-25-101
  primary election, by, 13-10-601, See **Primary elections and nominations**
  recounts, See **Recounts**
  vacancies, 13-10-325 — 13-10-327, 13-10-505
  winner, 13-1-103, 13-15-405, 13-15-507
  withdrawal, 13-10-325
    improper, 13-35-221
  without primary election, 13-10-501 — 13-10-505, 13-10-604
Nonpartisan elections
  applicability of laws, 13-14-111

ELECTIONS (Continued)

Nonpartisan elections (Continued)
- ballots
  - disposition, 13-14-116
  - form, 13-10-209, 13-12-203, 13-14-115
  - primary, specific provisions, 13-10-209, 13-14-115
- canvassing of votes, 13-14-116
- counting votes, 13-14-116
- declaration of nomination, 13-10-201, 13-14-112
  - register of candidates, entry in, 13-14-114
- filing fee, 13-14-112
- judicial elections, specific provisions, See **Judicial candidates**
- nomination by more than one party, procedure, 13-10-303
- nomination by primary election
  - ballot, 13-10-209, 13-14-115
  - declaration of, 13-10-201, 13-14-112, 13-14-114
  - election, 13-14-115, 13-14-116
  - petition for, 13-10-505, 13-14-113, 13-14-114
  - vacancies among nominees, 13-14-118
  - winners, 13-14-117
- party names, use prohibited, 13-10-303, 13-10-602, 13-14-115
- petition for nomination, 13-10-505, 13-14-113
  - register of candidates, entry in, 13-14-114
- register of candidates, entry, 13-14-114
- vacancies, 13-14-118

Notice
- ballot issues, See **BALLOT ISSUES**
- campaign funds, public — notice of wish to receive, 13-37-307
- campaign statements and reports, noncompliance, 13-12-201, 13-37-121, 13-37-126
  - subsequent compliance, 13-37-127
- campaign violations, to county attorney, 13-37-124
- cancellation of election, 13-1-304
- canvassing of votes, delinquent returns, 13-15-402, 13-15-503
- contest, 13-36-102, 13-36-206
- county central committee meeting, 13-38-205
- criminal acts, warning notice, 13-13-113
- death of elector, 13-13-243
- judges of elections
  - appointment, 13-4-104
  - training session, 13-4-203
- name of elector, change, 13-2-511
- nomination, 13-10-301
  - party selection when nominated by more than one, 13-10-303
  - presidential, notice of acceptance or noncandidacy, 13-10-406
- party committee meetings, 13-38-205
- political subdivisions, elections of, 13-1-401
- polling place, 13-2-207, 13-2-215, 13-3-105
  - warning notice in, 13-13-113
- presidential candidates
  - acceptance of nomination, 13-10-406
  - noncandidacy, 13-10-406
- recounts, See **Recounts**
- registration notices, See **Registration of voters**
- residence of elector, change, 13-2-511
- returns, delinquent, 13-15-402, 13-15-503
- special elections, 13-1-108
- tie votes, drawing to break tie, 13-16-501
- voting machines, instructions on use, 13-17-203
- warning notice, 13-13-113

Offenses, See **Crimes and prohibited acts**

Opinions, secretary of state, 13-1-202

Parties, See **Political parties**

Penalties, See **Crimes and prohibited acts**

ELECTIONS (Continued)

"People, as a political body" defined, 1-1-401
Petitions
- nomination, 13-10-501, 13-10-502, 13-10-504
  - nonpartisan candidates, 13-14-113, 13-14-114
  - presidential candidates, 13-10-404, 13-10-405
- nonpartisan candidates, for nomination, 13-14-113, 13-14-114
- presidential elections, for nomination, 13-10-404, 13-10-405

Political parties
- ballot, designation on, 13-12-203
  - primary elections, 13-10-209, 13-10-303
- bribery, 13-35-220
- campaign contribution limitations, 13-37-216
- committee structure
  - city committee, 13-38-202, 13-38-203
  - congressional committee, 13-38-203, 13-38-205
  - county committee
    - appointment, 13-38-203
    - city committee vacancies filled by, 13-38-202
    - composition, 13-38-202
    - judges of elections
      - lists of qualified persons submitted by, 13-4-102
      - training sessions, notice to chairman, 13-4-203
    - rules, 13-38-105, 13-38-203
    - vacancies, appointments to fill
      - candidates, 13-10-327, 13-38-203, 13-38-204
      - committeemen, 13-38-202 — 13-38-205
  - national committeemen, selection, 13-38-101
  - operation of committees, 13-38-205
  - organization of committees, 13-38-205
  - party representative, committeeman as, 13-38-202
  - precinct committeemen
    - election, 13-38-201
    - term of office, 13-38-202
    - vacancies, 13-38-202
  - state committee
    - county committee, appointment of, 13-38-203
    - rules, 13-38-104
    - selection of committeemen, 13-38-203
    - vacancies among candidates, appointments to fill, 13-10-327
  - vacancies
    - candidates, 13-10-327, 13-38-203, 13-38-204
    - city committee, 13-38-202
    - county committee, 13-38-202, 13-38-205
  - women, representation, 13-38-201, 13-38-203, 13-38-205
- congressional vacancies, nominations for special election, 13-25-205
- conventions
  - calling, 13-38-101
  - county convention, 13-38-205
  - delegates, 13-10-407, 13-38-101, 13-38-205
  - national convention, 13-10-407, 13-38-101
  - state convention, 13-38-205
- delegates to conventions, 13-10-407, 13-38-101, 13-38-205
- deputy registrars, number determined by, 13-2-102
- election administrators, number of deputies determined by, 13-2-102
- endorsement of candidates, See **Campaign practices**
- judges of election, representation, 13-4-102
- judicial candidates, endorsement prohibited, 13-35-231
- minor parties
  - nomination by, 13-10-501, 13-10-604, See **Nomination of candidates**
  - primary election, petition for, 13-10-601
- motor vehicles, division of — to supply new voter lists, 13-38-103
- municipal court judges — office in, prohibited, 3-1-604

ELECTIONS (Continued)

Political parties (Continued)
  name, use, 13-10-602
  new voter lists, 13-38-103
  nomination by, 13-10-601, See **Primary elections and nominations**
  nonpartisan candidates may not indicate, 13-14-112, See **Nonpartisan elections**
    endorsement prohibited, 13-35-231
  officers of party, filing fee in primary election not required, 13-10-202
  offices, 13-38-101
  "party official" defined, 45-2-101
  platform, adoption, 13-38-101
  poll watchers from, 13-13-120, 13-13-121
  powers generally, 13-38-101
  presidential electors, nomination, 13-10-601, 13-25-101, 13-38-101
  presidential nominating conventions, selection of delegates, 13-10-407
  primary election, 13-10-601, See **Primary elections and nominations**
  rulemaking authority, 13-38-101
    county rules, filing with election administrator, 13-38-105
    state rules, filing with secretary of state, 13-38-104
  senate vacancies, selection process for appointees, 5-2-406
Political Practices, Commissioner of, See also **PUBLIC OFFICERS**, generally
  advertising to small for identification, filing with, 13-35-225
  allocation, 2-15-411
  appointment, 2-15-411, 13-37-102, 13-37-104
  attorneys general, special, 13-37-113
  budget, 13-37-112
  candidacy for office prohibited, 13-37-103
  code of fair campaign practices, provision of form, 13-35-302
  confirmation, 13-37-102, 13-37-104
  county attorney, cooperation with, 13-37-111, 13-37-124
  creation, 2-15-411, 13-37-102
  defined, 13-37-101
  enforcement by, 13-37-111
  extent of authority, 13-37-116
  forms, provision, 13-37-117
  funding, 13-37-112, 13-37-120
  impeachment, 13-37-105
  information to be filed with, See **Campaign practices**, statements and information to be filed with commissioner of political practices
  investigative powers, 13-37-111
  legislation, recommendations, 13-37-120
  lobbying and lobbyist provisions, duties, See **LOBBYING AND LOBBYISTS**
  manuals, provision, 13-37-117
  misconduct, 13-37-102, 13-37-105
  nomination, 13-37-102, 13-37-104
  noncompliance orders, authority to issue, 13-37-115, See **Campaign practices**, statements and information to be filed with commissioner of political practices
  personnel, 13-37-112, 13-37-113, 13-37-120
  prosecution by
    commencement, 13-37-124
    costs, 13-37-124
    county attorney, cooperation with, 13-37-124
    extent of authority, 13-37-113, 13-37-116
    investigative authority, 13-37-111
    jurisdiction, 13-37-113
    staff, 13-37-113
    venue, 13-37-113
  prosecution of, 13-37-105
  reappointment, 13-37-103, 13-37-104
  removal, 13-37-102, 13-37-105
  reports of, 13-37-120
  reports to, See **Campaign practices**, statements and information to be filed with commissioner of political practices

ELECTIONS (Continued)

Political Practices, Commissioner of (Continued)
  rulemaking authority, 13-37-114, 13-37-117, 13-37-226, 13-37-227
  salary, 13-37-106
  selection committee, 13-37-102
  staff, 13-37-112, 13-37-113, 13-37-120
  statements filed with, See **Campaign practices**
  term of office, 13-37-103, 13-37-104
  territorial extent, 13-37-116
  treasurer certification, filing with, 13-37-201
  vacancies, 13-37-104
Political subdivisions, elections of
  administration, 13-1-301
  date, 13-1-104, 13-1-401
  deputy election administrator for, 13-1-301
  expenses, 13-1-302, 13-1-401
  notice, 13-1-401
  polling place, 13-1-401
  procedure, 13-1-104, 13-1-401
  supervision, 13-1-301
Pollbooks, See **Voting procedure**
Polling places
  arrests to prevent obstruction, 13-13-122
  booths, provision and arrangement, 13-13-111
  campaigning at, on election day, 13-35-211
  change, 13-3-105
  closing
    procedure after, See **Canvassing of votes**
    proclamation, 13-13-101
    time, 13-1-106
  designation, 13-3-105
  disruption, 13-35-206, 13-35-218
  electioneering at, on election day, 13-35-211
  emergency change, 13-3-105
  hours open, 13-1-106
  instructions, display, 13-13-112
    removal or destruction on election day, 13-35-206
  location, 13-3-105
    notice, 13-2-207, 13-2-215, 13-3-105
  notice of location, 13-2-207, 13-2-215, 13-3-105
  number, 13-3-104
  obstruction, 13-13-122, 13-35-206, 13-35-218
  opening or closing
    certification when not open, 13-15-402
    proclamation, 13-13-101
    time, 13-1-106
  political subdivisions, for elections of, 13-1-401
  pollbooks, See **Voting procedure**
  poll watchers, 13-13-120, 13-13-121
  preparation, 13-13-101
  procedure at, See **Voting procedure**
  proclamation of opening or closing, 13-13-101
  public buildings as, 13-3-105
  registration lists, display, 13-2-115, 13-35-205
  returns posted at, 13-15-101, 13-35-206
  sample ballots, display, 13-13-112, 13-35-206
  school closure for, when, 20-1-305
  solicitation of voters at, 13-35-218
  supplies
    delivery to, 13-12-102
    removal or destruction, 13-35-206
  time open, 13-1-106
  voting machines, provision and arrangement, 13-13-111

ELECTIONS (Continued)

Polling places (Continued)
  voting procedure, See **Voting procedure**
  warning notice, display, 13-13-113
Precinct register
  action to compel entry of name, 13-2-602
  combined, 13-2-116
  copies, availability, 13-2-122
  disposition after election, 13-15-205, 13-15-301
  evidence, 13-2-601
  form, 13-2-116
  omission from, 13-2-601 — 13-2-603
  preparation, 13-2-116
  printing, 13-2-116
  signing, 13-2-116, 13-13-114, 13-13-119
Precincts
  boundaries, changes, 13-3-102
    certification, 13-3-102, 13-3-103
  defined, 13-3-101
  designation, 13-3-101
  laws, copies of election laws to each, 13-12-101
  list by secretary of state, 13-1-204
  maps, 13-1-204, 13-3-103
  number, 13-3-101, 13-3-104
  polling places, 13-3-104, See **Polling places**
  redistricting and reapportionment, effect, 13-3-102
  register, See **Precinct register**
  territorial extent, 13-3-104
  tie vote for precinct office, 13-15-405
  voter information pamphlets available at, 13-27-410
  wards, 13-3-104
Presidential elections
  applicability of laws, 13-25-103
  ballot arrangement, 13-12-202
    electors names prohibited, 13-25-101
    order, 13-12-207
    rotation, 13-12-205
  campaign finance reports, 13-37-225
  canvassing of votes, 13-15-501, 13-25-103
  certification of candidates, 13-25-101
  counting of votes, 13-15-501, 13-25-102
  date, 13-1-104
  electoral college, 13-25-104
  electors
    compensation, 13-25-106
    election, 13-25-102, 13-25-103
    filing fee not required, 13-10-202
    lists of electors, 13-25-103
    lists of votes by, 13-25-105
    meeting, 13-25-104
    nomination, 13-10-601, 13-25-101, 13-38-101
    number, 13-25-102
    travel expense, 13-25-106
    vacancy in office, 13-25-107
    voting by, 13-25-104, 13-25-105
  general election, date, 13-1-104
  independent candidates, filing petition for nomination, 13-10-504
  lists of votes, 13-25-105
  minor party candidates, filing petition for nomination, 13-10-504
  national convention, selection of delegates, 13-10-407, 13-38-101
  primary, See **Primary elections and nominations**
  returns, 13-25-103
  winner, 13-25-104

ELECTIONS (Continued)

Primary elections and nominations
- absentee ballots, disposition of unvoted party ballot, 13-13-214, 13-13-242, See also **Absentee voting**
- applicability of laws, 13-10-208, 13-10-301
- appointment of successor candidate, 13-10-326, 13-10-327
- ballots, See also **Ballots**
  - arrangement, 13-10-209, 13-10-303
  - certification, 13-10-208, 13-10-327
  - form, 13-10-209
  - labels for filled vacancies, 13-12-204
  - nonpartisan ballots, 13-10-209, 13-14-115
  - party ballot, 13-10-209
  - presidential preference, 13-10-402, 13-10-403
  - printing, 13-10-208
  - vacancies, labels when filled, 13-12-204
- cancellation, 13-1-304, 13-10-209
- certification of candidates, 13-10-208, 13-10-209
  - successor candidates, 13-10-327
- conservation district supervisor nominating election, in conjunction with, 76-15-302
- counting ballots, 13-10-301, 13-10-311
  - tie vote, 13-16-501
- date, 13-1-104, 13-1-107
  - presidential, 13-10-401
- death of candidate, 13-10-326, 13-10-327
  - governor or lieutenant governor, 13-10-328
- declaration for nomination, 13-10-201, 13-10-303, 13-10-326
  - successor candidates, 13-10-327
- defined, 13-1-101
- double nomination, 13-10-303
- "election" defined, 13-1-101
- eligibility, 13-10-601, 13-10-604
- filing fees, 13-10-202
  - indigent candidates, 13-10-201, 13-10-203, 13-10-204
  - presidential petitions for nomination, not required, 13-10-405
  - refunds prohibited, 13-10-325
  - successor candidates, 13-10-327
  - write-in candidates, 13-10-204
- indigent candidates
  - declaration for nomination, 13-10-201
  - filing fees, 13-10-201, 13-10-203, 13-10-204
  - write-in candidate, 13-10-203, 13-10-204
- minor parties, petition for, 13-10-601
- nonpartisan elections, applicability of laws, 13-14-112, See also **Nonpartisan elections**
- notice
  - nomination, of, 13-10-301
  - party selection when nominated by more than one, 13-10-303
  - presidential candidates, notice of acceptance on ballot or noncandidacy, 13-10-406
- omission of election when, 13-10-209
- party committeemen, election at, 13-38-201
- party eligibility for primary election, 13-10-601, 13-10-604
- party name, use, 13-10-602
- petition for, 13-10-601
- "political committee" defined, 13-1-101
- presidential preference
  - ballot, 13-10-402, 13-10-403
  - date, 13-10-401
  - effect, 13-10-407
  - national convention delegates, 13-10-407
  - noncandidacy, 13-10-406
  - no preference, 13-10-403
  - notice to candidate of acceptance on ballot, 13-10-406

ELECTIONS (Continued)

Primary elections and nominations (Continued)
- presidential preference (Continued)
  - notice to secretary of state of noncandidacy, 13-10-406
  - petitions of nomination, 13-10-404, 13-10-405
- recounts, See **Recounts**
- register of candidates, 13-10-205, 13-14-114
- registration list, 13-2-115
- return of votes, 13-10-301, 13-10-311, 13-16-501
- tie vote, 13-16-501
- unnecessary when, 13-1-304, 13-10-209
- vacancy
  - general election, prior to, 13-10-327, 13-38-101, 13-38-204
  - labels on ballot, 13-12-204
  - primary election, prior to, 13-10-326
  - voided election, due to, 13-35-107
- voiding of election, 13-35-107
- voting procedure, 13-10-301
  - absentee voting, 13-13-214, 13-13-242
  - voting machines or devices, specification for secret party selection, 13-17-103
- withdrawal of candidate, 13-10-325 — 13-10-327
- write-in candidates
  - acceptance of nomination, 13-10-204, 13-10-305
  - filing fee, 13-10-203
  - independent candidate, 13-10-305
  - indigent candidate, 13-10-203
  - presidential preference, 13-10-403
  - previously nominated candidate, 13-10-302
  - requirements, 13-10-204

Prohibited acts, See **Crimes and prohibited acts**

Public Campaign Fund Act, Title 13, chapter 37, part 3, See **Campaign finance**

Qualifications of electors, See **Electors**

Recall, See **RECALL**

Records
- absentee ballots, 13-13-233, 13-13-234
- ballot issues, copies of petitions, 13-27-305
- ballots
  - absentee ballots, 13-13-233, 13-13-234
  - number to each precinct, 13-12-210
- campaign, See **Campaign finance**; **Campaign practices**; **Campaign treasurer**
- canvass report, 13-15-404, 13-15-506
- challenges, 13-13-310
- destruction, 13-1-303, 13-35-206
- election administrator, maintenance by, 13-1-301
- injury, unlawful, 13-35-206
- pollbook, See **Voting procedure**
- preservation, 13-1-303
- public, 13-1-109, 13-1-204
- recounts, 13-16-417, 13-16-418
- registration of candidates, 13-10-205
- registration of voters, 13-1-301, 13-2-112
- secretary of state, maintenance by, 13-1-204

Recounts
- candidates may be present, 13-16-302, 13-16-411
- certificate of election or nomination to candidate, 13-16-418, 13-16-419
- certification of recount results, 13-16-418
- certification of tie vote, upon, 13-16-203
- close elections, grounds for petition, 13-16-201
- county recount board
  - candidates as members, 13-16-101
  - certification of results by, 13-16-418
  - certification of tie, recount procedure, 13-16-203
  - composition, 13-16-101

ELECTIONS (Continued)

- **Recounts** (Continued)
  - county recount board (Continued)
    - court order, meeting upon, 13-16-301, 13-16-305
    - meetings, time, 13-16-204, 13-16-301
    - personnel, 13-16-101
    - petition, meeting upon, 13-16-204
    - procedure, 13-16-412 — 13-16-414
    - report, 13-16-416
    - resealing of ballots and machines, 13-16-417
    - secretary, 13-16-101
    - time of meetings, 13-16-204, 13-16-301
    - vacancies, 13-16-101
    - voting machines, testing by, 13-16-414, 13-16-417
  - court order, under
    - application, 13-16-301, 13-16-302, 13-16-306
    - costs, 13-16-306, 13-16-307
    - counsel, 13-16-302
    - county recount board, by, 13-16-301, 13-16-305
    - disqualification of judge, 13-16-304
    - expenses, 13-16-306, 13-16-307
    - hearing, 13-16-301, 13-16-302
    - joinder, 13-16-306
    - jurisdiction, 13-16-301, 13-16-304
    - limitation of recount, 13-16-305
    - presumption of incorrectness, 13-16-303
    - scope of recount, 13-16-305
    - service of application, 13-16-302
    - time for application, 13-16-301
    - time for recount, 13-16-304
    - venue, 13-16-301
    - when, 13-16-301
  - disposition of ballots and election materials pending, 13-1-303
  - news media, representation, 13-16-411
  - notice to
    - county recount board, 13-16-204
    - election administrators, 13-16-201
    - state canvassers, board of, 13-16-419
  - paper ballots, procedure, 13-16-412 — 13-16-414
  - petition, upon
    - applicability of laws, 13-16-203
    - bond, 13-16-211
    - county canvassers, board of — by, 13-16-211
    - county recount board, by, 13-16-204
    - expenses, 13-16-205, 13-16-211
    - grounds, 13-16-201, 13-16-211
    - tie vote, applicability of laws, 13-16-203
    - total vote cast, defined, 13-16-202
  - press may be present, 13-16-411
  - public, to be, 13-16-411
  - record, 13-16-416, 13-16-418
  - report, 13-16-416
  - representation of candidate or sides of ballot issue, 13-16-302, 13-16-411
  - sealing of votes and materials after recount, 13-16-417
  - state canvassers, board of — by, 13-16-205, 13-16-419
  - tally sheets, 13-16-415
  - tie vote, after, 13-16-203, 13-16-501, See also **Tie votes**
  - totals, 13-16-415, 13-16-418, 13-16-419
  - voting machines or devices, procedure, 13-16-413
    - retesting equipment, 13-16-414
  - write-in votes, 13-16-414
- **Referenda**, See **BALLOT ISSUES**
- **Register of candidates**, 13-10-205, 13-14-114

ELECTIONS (Continued)

Register of voters, See **Precinct register**
Registrar of voters, 13-1-101, See **COUNTY ELECTION ADMINISTRATOR**
Registration for primary, See **Primary elections and nominations**
Registration of voters
- action to compel, joinder of parties, 13-2-602
- administration, 13-1-301, See **COUNTY ELECTION ADMINISTRATOR**
- age, 13-2-205
- cancellation, 13-2-401, 13-2-402
  - fraudulent, when, 13-35-209
  - residence change, upon, 13-2-514
  - transfer, upon, 13-2-513
  - unlocatable electors, 13-2-207
- certificate of omission, 13-2-603
- challenges, 13-2-403, 13-2-404, See also **Challenges**
  - cancellation upon, 13-2-402
  - vote of challenged voter, 13-13-311
- citizenship, 13-2-206
- close of
  - acceptance of forms after, 13-2-102, 13-2-203
  - notice, 13-2-301
  - procedure, 13-2-301
  - registration during closed period, 13-2-302
- constitutional convention delegate qualifications, applicability of laws, 13-26-110
- costs, 13-2-117
- deputies, before, 13-2-102
- duplicates, 13-2-402
- effect, 13-2-601
- elector in united states service
  - defined, 13-2-211
  - federal postcard, 13-2-212, 13-2-214
  - mail, by, 13-2-212
  - oath, 13-2-213
  - term of employment, effect, 13-2-215
- evidence, 13-2-601
- falsification, 13-35-207, 13-35-209
- federal postcard application, 13-2-211 — 13-2-215
- filing of forms, 13-2-112, 13-2-114, 13-2-214
- form, 13-2-112, 13-2-114, 13-2-203
- fraud, 13-35-207, 13-35-209
- hours for, 13-2-201
- impersonation of elector, 13-35-209
- lists, 13-2-115, 13-35-205
- mail, by, 13-2-203, 13-2-212
- name change, 13-2-511, 13-2-512
- notice
  - cancellation, 13-2-401
  - challenge, 13-2-403, 13-2-404
  - close of registration, 13-2-301
  - name change, 13-2-511
  - polling place, of, 13-2-207, 13-2-215
  - previous registration, 13-2-515
  - registration, 13-2-207, 13-2-214, 13-2-215, 13-2-515
  - residence change, 13-2-511
- numbering of forms, 13-2-114
- oaths, 13-2-213
- omission from precinct register, 13-2-603
- personal appearance, by, 13-2-202
- precinct register, See **Precinct register**
- previous registration, notice to appropriate officer, 13-2-515
- prospective electors, 13-2-205
- records, 13-2-112
- registrars, 13-1-101, See **COUNTY ELECTION ADMINISTRATOR**

ELECTIONS (Continued)

Registration of voters (Continued)
  required, 13-1-111, 13-2-601
  reregistration, 13-2-401, 13-2-403
  residence, 13-1-111, 13-2-205
    change, 13-2-511, 13-2-512, 13-2-514
  social security number as registration number, 13-2-114
  time for, 13-2-201, 13-2-203
  transfer of registration
    failure to transfer, 13-2-512
    grounds, 13-2-511
    procedure, 13-2-511, 13-2-513, 13-2-514
Rejection of ballots, See **Canvassing of votes**
Religious organizations, improper influence, 13-35-218
Republicans, See **Political parties**
Residency of voter, See **Electors**
Returns, See **Canvassing of votes**
School elections, See **SCHOOL ELECTIONS**
School trustees, See **SCHOOL ELECTIONS**
Secretary of State as chief election officer, 13-1-201, See **SECRETARY OF STATE**
Secret ballot, 13-1-102
  absentee ballots, 13-13-221, 13-13-242
  challenges, effect, 13-13-311
  contents, elector may not divulge, 13-13-119, 13-35-201
  folding for deposit in ballot box, 13-13-117, 13-35-202
  judges and officials, violations by, 13-35-202
  voting booth arrangement and use, 13-13-111
  voting machine arrangement and use, 13-13-111, 13-17-103
Slander, See **Campaign practices**, defamation
Special elections, specific provisions
  congressional tie votes, to break, 13-16-502
  congressional vacancies, to fill
    nominations, 13-25-205
    representatives, 13-25-203, 13-25-205
    senators, 13-25-202, 13-25-205
  constitutional convention delegates, for, 13-26-102
  costs, 13-1-302
  defined, 13-1-101
  "election" defined, 13-1-101
  notice, 13-1-108
  registration lists not required, 13-2-115
  voided elections, held for, 13-35-107
State auditor, duties, See **STATE AUDITOR**
State Canvassers, Board of, See **Canvassing of votes**
State central committee, See **Political parties**
Supplies
  ballots, See **Ballots**
  delivery to polling place, 13-12-102
  destruction, 13-35-206
  disposition after election, 13-15-205, 13-15-301
  election administrators to provide, 13-12-102
  election laws, distribution, 13-12-101
  injury to, unlawful, 13-35-206
  judges of election to check, 13-13-101
  removal, unlawful, 13-35-206
Supreme court justices, See **Judicial candidates**
Threats and other improper influence on electors, See **Crimes and prohibited acts**
Tie votes, 13-16-501
  ballot issues, 13-15-405
  cases not provided for, 13-15-405, 13-16-507
  certification, 13-15-405
  congressional elections, 13-16-502
  county commissioners, 13-16-505

ELECTIONS (Continued)

Tie votes (Continued)
  county officers, 13-15-405, 13-16-506
  general election, 13-16-501
  judicial officers, 13-16-503
  legislators, 13-16-503
  precinct offices, 13-15-405
  primary election, 13-16-501
  recount, after, 13-16-203, 13-16-501
  state executive offices, 13-16-504
Time
  absentee ballot, application for, 13-13-211
  age of elector, computation, 13-1-114
  ballot issues, See **BALLOT ISSUES**
  ballots, certification, 13-12-201
    primary elections, 13-10-208
  campaign finance
    contribution deposit statements, 13-37-207
    public funds, distribution, 13-37-304
    reports
      filing, 13-37-226
      period covered by, 13-37-228
    statute of limitations, 13-37-130
  campaign reports and statements
    inspection, 13-37-121, 13-37-123
    noncompliance orders, submission of required information, 13-37-121
  campaign treasurer, filing of certification, 13-37-201
  campaign violations
    notice to county attorney, 13-37-124
    statute of limitations, 13-37-130
  canvassing of votes
    counting, 13-15-101
    county canvassers, board of — meetings, 13-15-401
    delinquent returns, 13-15-402
    state canvassers, board of — meetings, 13-15-502
  certification of ballots and candidates, 13-12-201
    primary elections, 13-10-208
  challenges
    registration, 13-2-403
    right to vote, 13-2-404
  congressional vacancies
    nominations for special election, 13-25-205
    representatives, special election, 13-25-203
    senators, special election, 13-25-202
  constitutional conventions for amendment to u.s. constitution
    delegates, filing, 13-26-103
    meeting, 13-26-106
  contests, commencement, 13-36-102
  counting of votes, 13-15-101
  county canvassers, board of — meetings, 13-15-401
  criminal acts, statute of limitations, 13-35-101
  general election, 13-1-104
  initiatives, See **BALLOT ISSUES, Time**
  judges of elections, appointment, 13-4-101, 13-4-102
  nomination of candidates
    congressional special elections, 13-25-205
    independents, filing of petition, 13-10-503, 13-10-504, 13-25-205
    minor party candidates, filing of petition, 13-10-503, 13-10-504
    nonpartisan candidates, filing of
      declaration, 13-14-112
      petition, 13-14-113
  nonpartisan candidates and elections
    filing, 13-14-112, 13-14-113
    vacancies, filling, 13-14-118

ELECTIONS (Continued)

Time (Continued)
- political practices, commissioners of
  - candidates, prohibited as when, 13-37-103
  - reports of, when, 13-37-120
- political subdivisions, notice of election, 13-1-401
- polling places
  - location designation, notice, and change, 13-3-105
  - opening and closing, 13-1-106
- precinct boundary changes, 13-3-102
  - certification, 13-3-102, 13-3-103
- presidential elections or nominations
  - certification of candidates, 13-10-208
  - date of election, 13-1-104, 13-1-107, 13-10-401
  - declaration of nomination, filing deadline, 13-10-201, 13-10-204
  - party selection when nominated by more than one party, 13-10-303
  - presidential preference, filing of petitions, 13-10-405
    - notice of acceptance or noncandidacy, 13-10-406
  - vacancies, appointments to fill, 13-10-327
  - withdrawal, 13-10-325
  - write-in candidate, filing acceptance of nomination, 13-10-204
- presidential electors, filing of certificate of nomination, 13-25-101
- primary election petition of minor party, submission, 13-10-601
- recounts
  - court order — filing, hearing, and recount, 13-16-301
  - petition
    - filing, 13-16-201
    - recount, 13-16-204
- referenda, See **BALLOT ISSUES**, **Time**
- registration of voters, 13-2-201, 13-2-203, 13-2-215
  - cancellation, 13-2-401
  - challenge, 13-2-403, 13-2-404
  - close, notice, 13-2-301
  - previous registrations, notice, 13-2-515
- residence, computation of length, 13-1-114
- special election, notice, 13-1-108
- state canvassers, board of — meetings, 13-15-502
- statutes of limitation, 13-35-101, 13-35-107
- united states service, registration of electors in, 13-2-214, 13-2-215
- voiding election, statute of limitations, 13-35-107
- voting machines or devices
  - approval and report, 13-17-101
  - instructions on use, publication, 13-17-203

Trivial benefits, 13-35-102
Uniformity of provisions, 13-1-201
U.S. Constitution, amendments to, See **BALLOT ISSUES**, generally; **CONSTITUTION OF THE UNITED STATES**, **Amendments**
U.S. President, See **Presidential elections**
U.S. Representatives, See **Congressional elections**
U.S. Senators, See **Congressional elections**
Unlawful acts, See **Crimes and prohibited acts**
Vacancies
- campaign reporting incomplete, due to, 13-37-126
- commissioner of political practices, 13-37-104
- congressional offices, special election, 13-25-202 — 13-25-205
- contests, creation by, 13-36-207, 13-36-210
- general election, prior to, 13-10-327, 13-38-101, 13-38-204
  - senate, 5-2-406
- labels on ballot, 13-12-204
- nonpartisan elections, before general election, 13-14-118
- presidential electors, 13-25-107
- primary election, prior to, 13-10-326
  - senate, 5-2-406

ELECTIONS (Continued)

Vacancies (Continued)
  senate, 5-2-406, 5-2-407
  voided election, due to, 13-35-107
Vice-presidential elections, See **Presidential elections**
Violations, See **Crimes and prohibited acts**
Voiding of election, 13-35-107, See also **Contest of election**
Voter information pamphlets, See **BALLOT ISSUES**
Voters, See **Electors**
Voting machines or devices
  absentee elector, use by, 13-13-204
  abuse, 13-13-111, 13-17-301
  advisors to secretary of state, 13-17-102
  applicability of laws, 13-17-106
  approval, 13-17-101, 13-17-107
  arrangement at polling place, 13-13-111, 13-17-301
  ballots
    arrangement, 13-17-206
    destruction or injury, 13-35-206
    paper in lieu of machine, 13-17-305, 13-17-306
      recount, 13-16-413, 13-16-414
    sample ballot, 13-13-112, 13-17-203
  certification of election officials, 13-17-201
  counting of votes, 13-15-103, 13-15-202, 13-17-305
  defacing, 13-35-206
  defined, 13-1-101
  demonstration of use, 13-17-204
  error, intentionally causing, 13-35-205
  examination of equipment
    advisors and technicians, 13-17-102
    recount, upon, 13-16-414
    required, 13-17-101
    rulemaking authority, 13-17-107
  exhibit, 13-17-204
  experimental use, 13-17-105
  funding, 13-17-104
  injury to, 13-35-206
  instructions for
    electors, 13-13-112, 13-17-203, 13-17-204
    judges of elections and other election officials, 13-4-203, 13-17-103, 13-17-201
  notice of use and location, 13-17-203
  number of electors voting, recording, 13-13-115
  number of machines, 13-13-111
  paper ballots when, 13-17-305, 13-17-306
    recount, 13-16-413, 13-16-414
  placement in polling place, 13-13-111, 13-17-301
  pollbook, use with, 13-13-115
  provision, 13-13-111, 13-17-104
  recount procedures, 13-16-413, 13-16-414, 13-16-417
  remaining too long within, 13-13-111, 13-17-301
  rulemaking authority, 13-17-107
  sample ballots, publication, 13-13-112, 13-17-203
  specifications required, 13-17-103
  tampering, 13-35-205, 13-35-206
  technicians to assist secretary of state, 13-17-102
Voting procedure
  absentee, See **Absentee voting**
  after election, See **Canvassing of votes**
  arrests to prevent obstruction of polling place, 13-13-122
  assistance to electors, See **Handicapped voters**
  ballot box, deposit in, 13-13-117
  ballots, See also **Ballots**
    changing after deposit unlawful, 13-35-205

ELECTIONS (Continued)

Voting procedure (Continued)
  ballots (Continued)
    deposit in ballot box, 13-13-117, 13-35-205
    labels, 13-13-117
    marking, 13-13-117
    number, 13-12-210, 13-13-115
    one to each elector, 13-13-116
    paper
      challenged elector to use, 13-13-311
      form, 13-12-209
      instructions, 13-12-209
      pollbook entries, 13-13-115
      voting machines, in lieu of, 13-17-305, 13-17-306
    removal before closing polls unlawful when, 13-35-206
    sample, display, 13-13-112, 13-17-203
    secret, See **Secret ballot**
    spoiled, 13-12-210, 13-13-112, 13-13-117
    stamping, 13-13-116, 13-15-201
  booths, provision and use, 13-13-111, 13-35-206
  canvassing of votes, See **Canvassing of votes**
  challenges, See **Challenges**
  changing ballot after deposit unlawful, 13-35-205
  counting votes, See **Canvassing of votes**
  disabled voters, See **Handicapped voters**
  disruption, 13-35-206
  handicapped voters, See **Handicapped voters**
  illiterate elector, 13-13-119
  impersonation of voter, 13-35-210
  influence of voters, improper, See **Crimes and prohibited acts**
  instructions, 13-12-209, 13-13-112, 13-17-203, 13-35-206
  interference with voter, 13-13-122, 13-35-206, 13-35-218
  marking ballot, 13-13-117
  multiple votes by one voter, 13-35-210
  names of electors, announcement, 13-13-120
  number of electors voting, recording, 13-12-210, 13-13-115
  obstruction of polling place, 13-13-122, 13-35-206, 13-35-218
  pollbook entries, 13-13-115
    absentee ballots, 13-13-234
    canvassing entries, 13-15-202
    certification, 13-15-204, 13-15-403
    challenged ballots, 13-13-311
    defect, effect, 13-15-403
    disposition after election, 13-15-205, 13-15-301
    duplicates, 13-15-103
    signing, 13-15-204
  polling place, See **Polling places**
  poll watchers, 13-13-120, 13-13-121
  precinct register, signing, 13-2-116, 13-13-114
    handicapped voter, when assisting, 13-13-119
    inability to write, 13-13-114
  prevention of exercise of right to vote, 13-13-122
  primary elections, 13-10-209, 13-10-301, 13-10-302, 13-10-311
  rejection of ballot, See **Canvassing of votes**
  sample ballot, display, 13-13-112, 13-17-203
  secret ballot, See **Secret ballot**
  spoiled ballot, 13-12-210, 13-13-112, 13-13-117
  stamping ballot, 13-13-116, 13-15-201
  supplies, See **Supplies**
  united states service, electors in, 13-2-212, 13-2-214, 13-2-215
  unqualified voter, vote by, 13-35-210
  voting machines, provision and use, 13-13-111, 13-17-301, See also **Voting machines or devices**

ELECTIONS (Continued)

Voting procedure (Continued)
  write-in votes, 13-13-117, See also **Write-in candidates and votes**
    primary elections, 13-10-302
    voting machines or devices, in, 13-17-103
Wards, 13-3-104
Warning notice, 13-13-113
Winner, 13-1-103, 13-15-405, 13-15-507, 13-25-104
Write-in candidates and votes
  ballot arrangement, 13-12-208
  "candidate" defined, 13-1-101
  canvassing of votes, 13-15-403, 13-15-404, 13-15-505, 13-15-506
  labels on ballot, 13-13-117
  primary elections, See **Primary elections and nominations**
  recounts, 13-16-414
  voting machines must allow, 13-17-103
  voting procedure, 13-13-117

ELECTRICAL BOARD, STATE

See **ELECTRICIANS, State Electrical Board**

ELECTRICAL ENERGY AND ELECTRICITY

See also generally **ENERGY; UTILITIES**

Alternative sources development, See **ENERGY, Renewable sources development**
Building codes, See **BUILDINGS AND BUILDING REGULATIONS, Electrical standards**
Construction standards, See **BUILDINGS AND BUILDING REGULATIONS**
Cooperatives, See **UTILITIES, RURAL COOPERATIVES**
Development, See **ENERGY, Renewable sources development; STATE LANDS, Power site leases or licenses**
Easements for, 70-17-101, 70-17-102
Energizing electrical installations, 50-60-605
Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Fire protection and safety regulations, 50-60-601, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Hazards, 50-30-212, See also **HAZARDOUS SUBSTANCES**, generally
Inspections, See **BUILDINGS AND BUILDING REGULATIONS**
Landlord-tenant relationships, maintenance, 70-24-301, 70-24-321, See also **LANDLORD AND TENANT, Maintenance**
License tax, See **TAXATION, Utilities**
Liens for labor, See **LIENS, Mechanics' liens**
Major Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Pacific Northwest Electric Power and Conservation Planning Council, See **ENERGY**
Producer's license tax, See **TAXATION, Utilities**
Product safety, 50-30-212, See also **HAZARDOUS SUBSTANCES**, generally
Renewable sources development, See **ENERGY**
Rural cooperatives, See **UTILITIES, RURAL COOPERATIVES**
Safety measures, consumer products, 50-30-212, See also **HAZARDOUS SUBSTANCES**, generally
Secured transactions, See **SECURED TRANSACTIONS, Transmitting utilities**
Taxation, See **TAXATION, Utilities**

ELECTRIC AND TELEPHONE COOPERATIVE ACT, RURAL, Title 35, chapter 18

See **UTILITIES, RURAL COOPERATIVES**, generally

ELECTRICIANS

Administration of provisions, 37-68-201

ELECTRICIANS (Continued)

Appliances, electrical — vendors exempt from provisions when, 37-68-103
Apprentices, 37-68-303, 37-68-305, 37-68-311
Board, See **State Electrical Board**
Commerce, Department of
  apprentices, records concerning, 37-68-303
  defined, 37-68-102
  earmarked revenue fund, 37-68-313
  licenses
    applications, 37-68-304, 37-68-305, 37-68-311, 37-68-312
    examinations
      fees, 37-68-304
      grading, 37-68-307
      licensure without, 37-68-308
    issuance, 37-68-307, 37-68-308, 37-68-311
    renewal, 37-68-310, 37-68-312
    required, 37-68-301
    temporary permits, issuance, 37-68-306
  moneys collected by, 37-68-313
Definitions, 37-68-102
Electrical contractors
  defined, 37-68-102
  licensing, See **Licenses and licensing**
Exemptions from provisions, 37-68-103
Fees, See **Licenses and licensing**
Incompetency, 37-68-321
Journeyman electricians
  apprenticeship, 37-68-305
  defined, 37-68-102
  licensing, See **Licenses and licensing**
  supervision by, when, 37-68-103
Licenses and licensing
  applications, 37-68-304, 37-68-305, 37-68-310 — 37-68-312
  contractors, 37-68-312
  discrimination in issuance prohibited, 49-3-204
  examinations
    fee, 37-68-311
    forfeiture, following, 37-68-310
    journeyman electricians, 37-68-305
    licensure without, when, 37-68-308
    master electricians, 37-68-304
    procedures, 37-68-307
    qualification for, 37-68-314
    residential electricians, 37-68-305
  expiration, 37-68-307, 37-68-312
  fees, 37-68-304, 37-68-306, 37-68-307, 37-68-309 — 37-68-312
  forfeiture when, 37-68-310
  fraud in obtaining, 37-68-321
  journeyman electricians, qualifications, 37-68-305
  local licenses, effect, 37-68-308
  master electricians, qualifications, 37-68-304
  misstatements or misrepresentation in obtaining, 37-68-321
  nonresidents, 37-68-309
  qualifications
    journeyman electricians, 37-68-305
    master electricians, 37-68-304
    nonresidents, 37-68-309
    residential electricians, 37-68-305
  reciprocity, 37-68-309
  renewal, 37-68-310, 37-68-312
  required, 37-68-301
  residential electricians, qualifications, 37-68-305
  rules for, 37-68-201

ELECTRICIANS (Continued)

Licenses and licensing (Continued)
  suspension or revocation, 37-68-321
  temporary permits, 37-68-306
Master electricians
  defined, 37-68-102
  licensing, See **Licenses and licensing**
  supervision by, 37-68-103
Misconduct, 37-68-321
Negligence, 37-68-321
Nonresidents, 37-68-309
Purpose of provisions, 37-68-101
Residential electricians
  apprenticeship, 37-68-305
  defined, 37-68-102
  licensing, See **Licenses and licensing**
State Electrical Board
  allocation, 2-15-1874
  apprentices, rules concerning, 37-68-303
  compensation of members, 37-68-202
  composition, 2-15-1874
  defined, 37-68-102
  expenses of members, 37-68-202
  fees set by, 37-68-310
  funding, 37-68-313
  licenses
    application forms, 37-68-304, 37-68-305
    examinations, 37-68-304, 37-68-305, 37-68-311
      discretion not applicable when, 37-68-314
      licensure without, 37-68-308
    fees set by, 37-68-311 — 37-68-313
    nonresidents, 37-68-309
    reciprocity, 37-68-309
    suspension or revocation, 37-68-321
    temporary permits, authorization, 37-68-306
  meetings, 37-68-201
  officers, 37-68-201
  public representation on, 2-15-1874
  quorum, 37-68-201
  rules, 37-68-201, 37-68-321
  seal, 37-68-201
  termination, 2-8-103
  term of office, 2-15-1874
  violations, prosecution and enjoinder of persons committing, 37-68-201
Title, unauthorized use, 37-68-302
Violations and penalty, 37-68-322
  enjoinder of persons committing, 37-68-201
  license suspended or revoked for, 37-68-321, 37-68-322
  prosecution, 37-68-201

ELECTRIC LINES OR COMPANIES

  See **UTILITIES**, generally

ELECTRIC TRANSMISSION LINE FACILITIES, SITING, Title 75, chapter 20

  See **FACILITY SITING**, generally

ELECTROLOGY AND ELECTROLOGISTS

Board of Cosmetologists
  defined, 37-32-102

ELECTROLOGY AND ELECTROLOGISTS (Continued)

Board of Cosmetologists (Continued)
  fees set by, 37-32-305
  funding, 37-32-305
  licenses
    examinations, 37-32-302
    fees set by, 37-32-305
    granting, 37-32-302
    qualifications, rules for, 37-32-302
    reciprocal, 37-32-303
    salons, 37-32-304
  rules by, 37-32-201, 37-32-302, 37-32-304
Commerce, Department of
  defined, 37-32-102
  earmarked revenue fund, 37-32-305
  licenses, issuance, 37-32-302
  moneys collected by, 37-32-305
Definitions, 37-32-102
Exemptions from provisions, 37-32-103
Fees, See **Licenses and licensing**
Licenses and licensing
  discrimination in issuance prohibited, 49-3-204
  examinations, 37-32-302
  expiration, 37-32-305
  fees, 37-32-305
  issuance, 37-32-302
  qualifications, 37-32-302
  reciprocity, 37-32-303
  renewal, 37-32-305
  required, 37-32-301
  revocation or suspension, 37-32-305
  salons, 37-32-304
Nonresidents, 37-32-303
Penalty for violations, 37-32-311
Practice of electrology
  defined, 37-32-102
  license required, 37-32-302
Purpose of provisions, 37-32-101
Salons, 37-32-304
Sanitary rules, 37-32-304
Violations and penalty, 37-32-311

ELECTRONIC FUNDS TRANSFER

Advertising, 32-6-307
Application of laws, 32-6-102
Automated teller machines, See **Terminals**
Balance requirements, consumer information, 32-6-104
Branch banking, exception, 32-1-372
Charges for transactions
  checking accounts, conventional, 32-6-309
  consumer information, 32-6-104
  financial institutions, charges to, 32-6-203
Checking accounts, option for conventional checking preserved, 32-6-309
Citation of Electronic Funds Transfer Act, 32-6-101
Commerce, Department of
  enforcement, 32-6-402
  identification devices, standardization, 32-6-308
  point-of-sale receipt to financial institution, waiver, 32-6-305
  rulemaking authority, 32-6-401
  supervision by, 32-6-401
  terminals
    ownership or lease, supervision of businesses in, 32-6-203
    placement authorization, 32-6-202, 32-6-204, 32-6-304, 32-6-305, 32-6-402

ELECTRONIC FUNDS TRANSFER (Continued)

Consumer information, 32-6-104
Criminal charges, unauthorized disclosure of records, 32-6-106
Definitions, 32-6-103
Enforcement of provisions, 32-6-402
Errors, See also **Unauthorized transactions**
    consumer information, 32-6-104
    liability, 32-6-303
    periodic statement, 32-6-302
Evidence, See **EVIDENCE**
Fees, See **Charges for transactions**
Format code, standardization, 32-6-308
Foreign financial institutions, 32-6-204
Hearings, unauthorized terminal operation, 32-6-402
Identification, customer — required, 32-6-303, 32-6-305
Identification device
    certification of terminal activation by, 32-6-304
    defined, 32-6-103
    standardization, 32-6-308
    theft, customer liability, 32-6-303
Identification number
    defined, 32-6-103
    restrictions, 32-6-306
    unauthorized use, customer liability, 32-6-303
Injunction, unauthorized terminal operation, 32-6-402
Investment in corporation operating and owning terminals, 32-6-203
Legislative intent, 32-6-102
Liability
    consumer information, 32-6-104
    unauthorized transactions, 32-6-303
Out-of-state financial institutions, 32-6-204
Periodic statement
    consumer information, 32-6-104
    error, 32-6-302
    required, 32-6-301
    verification, 32-6-302
Personal identification number, See **Identification number**
Point-of-sale terminals, See **Terminals**
Privacy, protection, 32-6-105, 32-6-304
Purposes, 32-6-102
Receipts, See **Records**
Records
    admissibility, 32-6-301
    consumer information, 32-6-104
    merchant records
        inspection by financial institution, 32-6-305
        retention, 32-6-303, 32-6-305
    periodic statement, See **Periodic statement**
    privacy, 32-6-105
    required, 32-6-301, 32-6-304, 32-6-305
    unauthorized disclosure, 32-6-106
Rulemaking authority, 32-6-401
Satellite terminals, See **Terminals**
Statement, See **Periodic statement**
Supervision, 32-6-401
Teller machines, See **Terminals**
Terminals
    access requirements, 32-6-203
    advertising, 32-6-307
    authorization
        automated teller machines, 32-6-204, 32-6-304
        commerce, department of — compliance with rules required, 32-6-204
        point-of-sale terminals, 32-6-202, 32-6-305

ELECTRONIC FUNDS TRANSFER (Continued)

Terminals (Continued)
  authorization (Continued)
    required, 32-6-202
    revocation, 32-6-402
    suspension, 32-6-402
  defined, 32-6-103
  format code, standardization, 32-6-308
  geographical restrictions, 32-6-202, 32-6-204
  installation costs, 32-6-203
  location, 32-1-372, 32-6-102, 32-6-202, 32-6-204
  merchant warranty, 32-6-303
  unauthorized operation, 32-6-402
  uses permitted, 32-6-201
Unauthorized transactions
  consumer information, 32-6-104
  hearings, 32-6-402
  injunction, 32-6-402
  liability, 32-6-104, 32-6-303
  merchant warranty, 32-6-303
Unique identification device, See **Identification device**

ELECTRONIC FUNDS TRANSFER ACT, Title 32, chapter 6

  See **ELECTRONIC FUNDS TRANSFER**

ELECTRONIC SURVEILLANCE, ILLEGAL

  See **COMMUNICATIONS**, generally

ELEEMOSYNARY INSTITUTIONS

  See **CHARITIES**

ELEMENTARY SCHOOLS

  See **SCHOOLS**; See also **PRIVATE SCHOOLS**, generally

ELEVATORS

Administration, Department of — authority, 50-60-701, 50-60-702
Applicability of laws, 50-76-101
Casualty insurance, See **INSURANCE — CASUALTY**, generally
Condition report, 50-60-701
Construction, See **HOISTING ENGINES**
  openings at construction site, protection, 50-77-104, 50-77-106, 50-77-107
Fees, inspection, 50-60-701
Freight, minors' employment prohibited, 41-2-101, 41-2-113, 41-2-121
Grain, See **GRAIN, Public warehouses**; **RAILROADS, Grain elevators or warehouses**
Hoisting engine, as, 50-76-102, See **HOISTING ENGINES**
Industrial, See **HOISTING ENGINES**
Inspections
  condition report, 50-60-701
  exemptions, 50-60-703
  insurance company, by, 50-60-701, 50-60-702
  maintenance company, by, 50-60-701, 50-60-702
  required, 50-60-701
  standards, 50-60-702
  who may inspect, 50-60-701
Insurance against loss or damage, See **INSURANCE — CASUALTY**, generally

ELEVATORS (Continued)

Landlord-tenant relationships, maintenance, 70-24-301, 70-24-321, See also **LANDLORD AND TENANT, Maintenance**
Minors' employment prohibited, 41-2-101, 41-2-113, 41-2-121
Rulemaking authority, 50-60-702
Smoking in, prohibited, 50-40-105
Standards, 50-60-702

ELISORS, 25-3-206

ELK

See **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**; See also generally **FISH AND WILDLIFE, Bow and arrow; Game animals**

EMANCIPATION

See **MINORS, Emancipated youth**

EMBALMERS

See **MORTICIANS AND FUNERAL DIRECTORS**

EMBARGOES

Commercial feeds, on, See **COMMERCIAL FEEDS**
Commercial fertilizers, on, See **COMMERCIAL FERTILIZERS**
Cosmetics, 50-31-509
Drugs, 50-31-509
Food, 50-31-509
Hazardous substances, 50-30-307
Noxious weed seed introduction, on, See **AGRICULTURAL SEEDS, Noxious weed seeds**
Pesticides, on, See **PESTS AND PESTICIDES**

EMBEZZLEMENT

See **CRIMES, Theft**

EMBRACERY

See **CRIMES, Juries and jurors; JURIES AND JURORS, Influence on jury, improper**

EMERGENCIES AND EMERGENCY POWERS

Access to affected area, 10-3-104
Activation of emergency programs, See **Declaration of disaster or emergency**
Administrative rules during, See **ADMINISTRATIVE RULES, Emergency rules**
Aid programs
  acceptance, 10-3-203
  community loans, 10-3-314
  debris and wreckage removal, 10-3-315
  development, 10-3-105
  encouraged, 10-3-202
  federal, 10-3-203
  interstate civil defense and disaster compact, 10-3-204 — 10-3-206
  private, 10-3-203
Air contaminant emissions
  reduction or discontinuance, 50-70-117, 75-2-402
  workplace, variances in, 50-70-117

EMERGENCIES AND EMERGENCY POWERS (Continued)

Amateur radio operators, 61-3-424
Ambulance services, See **AMBULANCE SERVICES**
Banks and trust companies
    closure during, 32-1-561 — 32-1-565, See **BANKS AND TRUST COMPANIES, Emergency closure**
    delays, excuse, 30-4-108
Capitol, relocation, 10-3-607
Civil defense
    director, list of amateur radio operators, 61-3-424
    symbol, 10-3-113
Commander-in-chief during, 10-3-305
Communications, 10-3-106
Community disaster loans, 10-3-314
Continuity of government
    citation of the post-enemy-attack continuity in government act, 10-3-601
    cities and towns
        executive, 10-3-605
        governing bodies, 10-3-604
    county commissioners, boards of, 10-3-603
    governor, 2-16-513, 10-3-602
    provisions, term of, 10-3-609
    quorum requirements, 10-3-606
    relocation of government functions
        courts, venue, 3-5-405
        seats of government, 10-3-607, 10-3-608
Coordination of programs, 10-3-101, 10-3-105, 10-3-501
Counties, authorization to transfer funds, 7-31-2101
Courts, emergency change of venue, 3-5-405, 3-5-406
Criminal justice information systems, security, 44-5-401
Debris removal, 10-3-315
Declaration of disaster or emergency
    local, 10-3-402, 10-3-403
        contents, 10-3-404
        effect, 10-3-404
        publication, 10-3-404
        termination, 10-3-402, 10-3-403
    postattack, 10-3-505, 10-3-506
    state
        contents, 10-3-104
        effect, 10-3-302, 10-3-303
        preparation, 10-3-105
        publication, 10-3-304
        termination, 10-3-104, 10-3-302, 10-3-303
Definitions, 10-3-103
Deposit of property in, involuntary, 70-6-103
Disaster and Emergency Services, Division of
    communications, coordination, 10-3-106
    cooperation with other agencies, 10-3-105, 10-3-201, 10-3-202
    coordination of emergency programs, 10-3-105
    creation, 2-15-1204, 10-3-105
    declaration of emergency filed with, 10-3-304, 10-3-404
    driver training program, 10-3-107
    duties generally, 10-3-105
    employees, 10-3-105
    establishment, 10-3-105
    highways, use, 10-3-107
    local agencies, assistance to, 10-3-201
    personnel, 10-3-105
    review of local plans and programs, 10-3-105, 10-3-202
    vehicle inventory, 10-3-107
Distraint, warrants for
    execution, 15-1-707
    issuance, 15-1-703

EMERGENCIES AND EMERGENCY POWERS (Continued)

Driver training program, 10-3-107
Drug dispensation by medical practitioners, 37-2-104
Elections
  judge of election, excuse from polling place, 13-4-207
  polling places, relocation, 13-3-105
Emergency medical technicians, See **Medical services**
Emergency resources management plan, Title 10, chapter 3, part 5, See **Postattack resources management**
Eminent domain, assistance programs, 70-31-204
Endangered species — destruction, removal, or capture allowed when, 87-5-109
Energy supply emergencies
  alert
    declaration, 90-4-305, 90-4-308, 90-4-309
    defined, 90-4-302
  applicability of laws, 90-4-310, 90-4-313, 90-4-317
  confidentiality of information, 90-4-305
  consumer advice, 90-4-306
  cooperation of governmental agencies, 90-4-311
  criminal charges for violations, 90-4-319
  curtailment plans, 90-4-307, 90-4-310
  definitions, 90-4-302
  disaster and emergency services laws supplemented, 90-4-317
  distributors
    advice to governor, 90-4-306
    confidential information, disclosure, 90-4-305
    curtailment plans, preparation and approval, 90-4-307
    defined, 90-4-302
    liability, 90-4-314, 90-4-315
    orders from governor, 90-4-314
  duration, 90-4-310
  emergency
    declaration, 90-4-305, 90-4-308, 90-4-310
    defined, 90-4-302
    termination, 90-4-310
  energy policy committee
    composition, 90-4-303
    creation, 90-4-303
    curtailment plans, advice on, 90-4-307
    declaration of alert or emergency, advice on, 90-4-308, 90-4-310
    information from governor, 90-4-305
    priorities, advice on, 90-4-304
  enforcement, 90-4-313
  expenditures authorized, 90-4-318
  federal provisions, coordination with, 90-4-312
  governor's powers, See **GOVERNOR**
  information gathering, 90-4-305
  legislative auditor, access to information, 90-4-305
  legislative consumer committee, advice from, 90-4-306
  legislative intent, 90-4-301
  liability, 90-4-315
  local government executives, cooperation, 90-4-311
  monitoring of supplies and demand, 90-4-301, 90-4-305
  need for alert or emergency declaration, determination, 90-4-305, 90-4-308
  pollution control, suspension during, 90-4-310
  priorities, 90-4-304
  public services, priority, 90-4-304, 90-4-307
  purpose, 90-4-301
  regulation of supply, 90-4-310
  reports to governor, 90-4-305
  rulemaking authority, 90-4-316
  subpoena powers, 90-4-305

EMERGENCIES AND EMERGENCY POWERS (Continued)

Energy supply emergencies (Continued)
  violations of provisions, 90-4-301, 90-4-313, 90-4-319
  vital public services, priority, 90-4-304
Evacuation, 10-3-104
Expenditures
  authorization, 10-3-311
  corporate donations for, 35-1-108
  local funding, 10-3-405
  maximum, 10-3-312
False alarm of, 45-7-204
Federal aid and services
  acceptance, 10-3-203
  debris removal, 10-3-315
  loans, 10-3-314
Fire danger, areas closed to hunting and fishing when, 87-3-106
Fire Marshal, acting — appointment, 50-3-105
Food shortages, 50-34-109
Funding, See **Expenditures**
Governor, See **GOVERNOR**
Ham radio operators, 61-3-424
Health care facility, issuance of certificate of need, 50-5-308, See also **Medical services**
Herding livestock during nighttime on highways, 60-7-204
Highways
  herding livestock on during nighttime, 60-7-204
  use and safety, 10-3-107
Housing for victims, temporary, 10-3-103, 10-3-313
Insect pest infestations, 80-7-501, 80-7-502
Intergovernmental cooperation, 10-3-105, 10-3-201 — 10-3-206, 10-3-301, 10-3-305, 10-3-501
Interstate Civil Defense and Disaster Compact
  enactment, 10-3-204
  entry into, 10-3-204
  governor's authority to join, 10-3-205
  supplemental agreements, 10-3-205
  text, 10-3-206
Interstate Nuclear Compact, Title 90, chapter 5, part 2, See **NUCLEAR ENERGY**
Investment companies, closure during, 32-1-561 — 32-1-565, See **BANKS AND TRUST COMPANIES, Emergency closure**
Landlord's access to rented dwelling, 70-24-312, 70-24-425
Liability
  civil defense personnel, 10-3-111
  nuclear accident or attack, See **NUCLEAR ENERGY, Interstate compact**
Livestock, herding during nighttime on highways, 60-7-204
Loans, community disaster, 10-3-314
Local emergencies or disasters
  agencies to handle, See **Local government agencies**
  declaration, 10-3-402 — 10-3-404
  funding, 10-3-405
  preparedness planning, 10-3-201, 10-3-401
Local government agencies
  aid programs, 10-3-202, 10-3-203
  cooperation with other governmental agencies, 10-3-107, 10-3-202
  declaration of emergency, filing with, 10-3-404
  designation, 10-3-201
  duties generally, 10-3-201
  employee requirements, 10-3-112
  establishment, 10-3-101
  housing for victims, temporary, 10-3-313
  identification, 10-3-113
  liability, 10-3-111
  oath, 10-3-112

EMERGENCIES AND EMERGENCY POWERS (Continued)

Local government agencies (Continued)
  planning, 10-3-401
  political involvement prohibited, 10-3-112
Martial law, 10-1-106, 10-3-102
Medical services
  administration of laws and programs, 50-6-102
  ambulances, See **AMBULANCE SERVICES**
  certificate of need, issuance, 50-5-308
  commerce, department of
    cooperative agreements, 50-6-104
    rulemaking authority, 50-6-203
  cooperative agreements, 50-6-103, 50-6-104
  drug dispensation by medical practitioners, 37-2-104, 50-6-203, 50-6-205, 50-32-208
  duplication of effort to be avoided, 50-6-104
  emergency medical technicians
    advanced technician, 50-6-202, 50-6-205
    applicability of laws, 50-6-207
    basic technician, 50-6-202, 50-6-204
    certification of personnel, 50-6-202, 50-6-203
    consent, 50-6-206
    construction of laws, 50-6-207
    definitions, 50-6-202
    drugs, administration, 50-6-203, 50-6-205
    legislative intent, 50-6-201
    liability, 50-6-206
    purpose of provisions, 50-6-201
    rulemaking authority, 50-6-203 — 50-6-205
    training of personnel, 50-6-202, 50-6-203
  establishment, 50-6-102
  funding, 50-6-103
  good samaritan law, 27-1-714, 41-1-405
  health and environmental sciences, department of
    cooperative agreements, 50-6-103, 50-6-104
    establishment of program, 50-6-102
  legislative purpose, 50-6-101
  liability, 27-1-714
    emergency medical technicians, 50-6-206
  medical examiners, board of — authority respecting emergency medical technicians
    certification by, 50-6-202
    rulemaking authority, 50-6-203 — 50-6-205
    training programs, approval, 50-6-202
  minors, 41-1-402, 41-1-405, 41-1-406
  purpose of provisions, 50-6-101
  volunteer emergency medical personnel, use of red light on private vehicle, 61-9-227
Mental health care for minors, 41-1-405 — 41-1-407, See also **MINORS, Medical care**, generally
Military Affairs, Department of, See also **Disaster and Emergency Services, Division of**
  emergency resources management plan, preparation, 10-3-502
  national defense highway plans and driver's training, 10-3-107
Military personnel, extension of enlistment, 10-1-303
Minors
  abused, protective services for, 41-3-301
  medical care, 41-1-402, 41-1-405, 41-1-406
  mental health care, 41-1-405 — 41-1-407
National banks, closure during, 32-1-561 — 32-1-565, See **BANKS AND TRUST COMPANIES, Emergency closure**
Nuclear Compact, Title 90, chapter 5, part 2, See **NUCLEAR ENERGY, Interstate compact**
Nuclear facilities, evacuation and medical aid plans concerning, 75-20-1204
Nursing assistance during, 37-8-103
Pesticide registration, use, or application — orders or rules concerning, 80-8-105

EMERGENCIES AND EMERGENCY POWERS (Continued)

Planning
  generally, 10-3-101, 10-3-105, 10-3-301
  local, 10-3-401
  postattack emergencies, 10-3-504
Plumbing installations, permit exceptions, 50-60-509
Policy of state, 10-3-101
Political involvement of organizations prohibited, 10-3-112
Polling places, relocation, 13-3-105
Postattack resources management
  definitions, 10-3-502
  governor, powers and duties, 10-3-503, 10-3-505
  plan, 10-3-504
  policy of state, 10-3-501
  proclamation of emergency, 10-3-505
    judicial inquiry, 10-3-506
  purpose, 10-3-501
  rules, 10-3-503, 10-3-505
  violation of emergency rules, 10-3-507
Post-Enemy-Attack Continuity in Government Act, The, Title 10, chapter 3, part 6, See **Continuity of government**
Proclamation of emergency, See **Declaration of disaster or emergency**
Property, involuntary deposit, 70-6-103
Public records, essential — protection, 2-6-206
Purchasing, state, 18-4-104
Purpose, 10-3-101
Radiologic technologists, temporary permits during, 37-14-306
Red Cross, cooperation with, 10-3-202
Resources management, See **Postattack resources management**
Savings banks, closure during, 32-1-561 — 32-1-565, See **BANKS AND TRUST COMPANIES, Emergency closure**
School elections, cancellation, 20-20-108
Seats of government, relocation
  local, 10-3-608
  state, 10-3-607
State building repairs or alterations, emergency authorization, 18-2-102
Statutes of limitation, effect of war upon, 27-2-403
Streambed alteration projects, 75-7-113
Stream protection, applicability of construction projects, 87-5-506
Succession in office, Title 10, chapter 3, part 6, See **Continuity of government**
Taxation
  levy for, 10-3-405
  property taxes, effect on, 15-16-611, 15-16-612
Telephone, use — restrictions during, 45-8-114
Temporary housing for victims, 10-3-103, 10-3-313
Termination
  local, 10-3-402, 10-3-403
  state, 10-3-104, 10-3-302, 10-3-303
Trust companies, closure during, 32-1-561 — 32-1-565, See **BANKS AND TRUST COMPANIES, Emergency closure**
University students' rooms, entry, 20-25-513
Vacancies in government, Title 10, chapter 3, part 6, See **Continuity of government**
Vehicles, emergency inventory, 10-3-107, See also **MOTOR VEHICLE EQUIPMENT, Authorized emergency vehicles**; **TRAFFIC REGULATIONS, Authorized emergency vehicles**
Water pollution, reduction or discontinuance, 75-5-621, 75-5-622
Western Interstate Nuclear Compact, Title 90, chapter 5, part 2, See **NUCLEAR ENERGY, Interstate compact**
Wreckage removal, 10-3-315

EMINENT DOMAIN

Abandonment of property acquired for public use, 70-30-321, 70-30-322

EMINENT DOMAIN (Continued)

Acquisition of property by, 70-1-205
Affidavits for nomination of commissioners, 70-30-207
Airports, See **AIRPORTS AND LANDING FIELDS**
Alleys, defined as public use, 70-30-102
Annulment of proceedings, 70-30-308
Answer, 70-30-205
Appeals, 70-30-312
  assessment, from, 70-30-304, 70-30-311
  compensation interest, basis on, 70-30-302
  logging roads, damages to occupant, 70-30-109
  relocation assistance, eligibility, 70-31-207
Appearance of defendants, 70-30-205
Applicability of laws,70-1-205, 70-30-101
  airport property, acquisition, 67-10-221, 67-11-231, 67-11-401
  appeals, 70-30-312
  cemetery associations, 35-20-104
  execution, 70-30-308
  federally assisted agency acquisitions, 70-31-103, 70-31-104
  mining property, 82-2-221
  private land, to, 70-30-103
  procedure, 70-30-201
  report of commissioners, service, 70-30-303
  roads and streets, 70-30-108
  water conservation project acquisitions, 76-5-1108
Aqueducts, defined as public use, 70-30-102
Assessment, See **Compensation of condemnees**; **Report of commissioners**; **Value of property**
Attorneys, See **Counsel**
Award, See **Compensation to condemnees**; **Report of commissioners**; **Value of property**
Booms, defined as public use, 70-30-102
Bridges, applicability to, 70-30-102, 70-30-103
Canals, defined as public use, 70-30-102
Cattle guards, building for railroad, 70-30-301, 70-30-307
Cemetery associations, power, 35-20-104
Chutes, defined as public use, 70-30-102
City uses, defined as public use, 70-30-102
Coal mining, See also **MINES AND MINING**
  limited use of eminent domain, 70-30-106
  reclamation and restoration defined as public use, 70-30-102
  strip and surface mining not public use, 70-30-102
Commencement of action, 70-30-202
Commissioners, condemnation, See **Condemnation commissioners**
Compensation of condemnees
  accrual of right when, 70-30-302
  answer, statement in, 70-30-205
  appeal from, 70-30-304, 70-30-311
  commissioners to determine, 70-30-207
  deposit in court, 70-30-308
  duplication not intended, 70-31-105, 70-31-305
  execution, 70-30-308
  federally assisted agency acquisitions, See **Federally assisted agency acquisitions**
  gas storage reservoirs, when condemnation for, 70-30-206
  improvements, effect, 70-30-302, 70-31-305
  income, not to be considered as, 70-31-106
  interest upon, 70-30-302, 70-30-304
  manner of payment, 70-30-308
  possession, effect on, 70-30-311
  relocation, See **Relocation of condemnees**
  value, basis on, 70-30-302
  when, 70-30-307

EMINENT DOMAIN (Continued)

Complaint
  contents, 70-30-203
  required, 70-30-202
  service, 70-30-204
Condemnation commissioners
  appointment, 70-30-207, 70-30-303
  chairman, 70-30-207
  compensation of condemnees, determination by, 70-30-207
  conflict of interest, 70-30-207
  gas storage reservoirs, determination of condemnee's compensation, 70-30-206
  hearing of, See **Hearing**
  qualifications, 70-30-207
  report of, See **Report of commissioners**
  waiver, 70-30-207
Corporate power, 35-1-108
Costs
  appeal, 70-30-304, 70-30-311
  commissioners, assistants to, 70-30-206
  federally assisted programs, 70-31-206, 70-31-302 — 70-31-304
  judgment, inclusion, 70-30-304
  "necessary expenses of litigation" defined, 70-30-306
  offer of judgment, effect, 70-30-305, 70-30-306
Counsel
  answer, service upon, 70-30-205
  commissioners, meeting on appointment, 70-30-207
County uses, defined as public use, 70-30-102
Court
  commissioners, nomination, 70-30-207
  hearing, judge to preside, 70-30-301
  powers generally, 70-30-206
Crossings, right-of-way subject to, 70-30-103
Damages
  appeal, bond or undertaking for, 70-30-311
  federally assisted programs, 70-31-301
  gas storage reservoirs, for, 70-30-206
  logging roads, temporary — for, 70-30-109
Dams and reservoirs, surface rights necessary subject to, 70-30-104
Defect in title, effect, 70-30-310
Definitions
  average annual net earnings, 70-31-102
  business, 70-31-102
  displaced person, 70-31-102
  eminent domain, 70-30-101
  farm operation, 70-31-102
  federal financial assistance, 70-31-102
  necessary expenses of litigation, 70-30-306
Deposit in court, assessment, 70-30-308
  federally assisted programs, 70-31-301
Description of property
  complaint, in, 70-30-203
  summons, in, 70-30-204
Ditches, defined as public use, 70-30-102
Docks, defined as public use, 70-30-102
Easements, subject to, 70-30-104
Electrical power lines, defined as public use, 70-30-102
Estates in land subject to, 70-30-104
Evidence, 70-30-111
  commissioners to hear, 70-30-301
  offer of judgment, inadmissible, 70-30-305
Execution on assessment, 70-30-308
Facility siting construction, as defined by "commence to construct", 75-20-104

EMINENT DOMAIN (Continued)

Federally assisted agency acquisitions
  abandonment of proceedings, 70-31-304
  applicability of laws, 70-31-103, 70-31-104
  appraisal of property, 70-31-301, 70-31-303, 70-31-304
  attorneys' fees, 70-31-304
  closing costs, 70-31-302
  coercion, 70-31-301
  compensation
    abandonment of proceedings, upon, 70-31-304
    determination, 70-31-301, 70-31-302
    dismissal of proceedings, upon, 70-31-304
    duplication not intended, 70-31-105, 70-31-305
    improvements, effect, 70-31-305
    inverse proceedings, upon, 70-31-303
    relocation, See **Relocation of condemnees**
  construction scheduling, 70-31-301
  costs, 70-31-206, 70-31-302 — 70-31-304
  damages, 70-31-301
  definitions, 70-31-102
  deposit in court, 70-31-301
  development scheduling, 70-31-301
  dismissal of proceedings, 70-31-304
  duplication of compensation, 70-31-105, 70-31-305
  formal proceedings required when, 70-31-301
  improvements, effect, 70-31-305
  inverse proceedings, 70-31-303
  negotiation for property encouraged, 70-31-301
  possession, surrender when, 70-31-301
  prepayment penalty costs, 70-31-302
  public use, defined as, 70-30-102
  purpose of provisions, 70-31-101
  relocation of condemnees, See **Relocation of condemnees**
  remnant property, 70-31-301
  taxes, 70-31-302
Federal uses, defined as public use, 70-30-102
Fences, provision by railroads, 70-30-301, 70-30-307
Ferries, 70-30-102, 70-30-103
Final order, 70-30-309
Findings of fact required, 70-30-111
Fish, Wildlife, and Parks — Department of, limitation, 87-1-209
  prohibited when, 87-1-703, 87-1-709
Flood control projects, acquisition of property for, 70-30-104, 76-5-1108
Flumes, defined as public use, 70-30-102
Franchises subject to, 70-30-103
Gas
  pipes for local service, defined as public use, 70-30-102
  storage reservoirs, See **OIL AND GAS, Natural gas**
Governmental uses, defined as public use, 70-30-102
Greatest public good, 70-30-110
Hearing, 70-30-301
  waiver, 70-30-207
Heat, defined as public use, 70-30-102
Highways, land acquired by — when, See **HIGHWAYS, Acquisition of property**
Improvements
  assessment, effect on, 70-30-302
  federally assisted programs, 70-31-305
Industrial development projects — acquisition of sites by, prohibited, 90-5-102
Interest on compensation, 70-30-302, 70-30-304
Judge, powers generally, 70-30-206, See **Court**
Judgment, 70-30-304
  offer of judgment, 70-30-305

EMINENT DOMAIN (Continued)

Jurisdiction of courts
  district court, 70-30-102, 70-30-202, 70-30-207, 70-30-304, 70-31-207
  supreme court, 70-30-312
Jury trial
  appeal of assessment, 70-30-304
  private roads, opening, 70-30-107
Laws applicable, See **Applicability of laws**
Least private injury, 70-30-110
Legislature, authorization of public use, 70-30-102
Limitation by court, 70-30-206
Logging roads and railways
  public use, defined as, 70-30-102
  temporary roads, 70-30-109
Mining claims, See **MINES AND MINING**
Natural areas, land acquired for — when, 76-6-105, 76-12-108, 76-12-110
Natural gas, See **Gas**; **OIL AND GAS**, **Natural gas**, underground storage reservoirs
Natural gas storage reservoirs, See **OIL AND GAS**
New proceedings, 70-30-310
Notice, 70-30-204
  appeal from assessment, 70-30-304
  offer of judgment, acceptance, 70-30-305
  relocation, 70-31-301
  report, filing, 70-30-303
  sale of property abandoned from public use, 70-30-321
Offer of judgment, 70-30-305
Open-space lands, acquisition by, 76-6-105
Orders
  final, 70-30-309
  preliminary, 70-30-206
Outdoor advertising and property rights, acquisition, 75-15-123
Parks, state — acquisition of sites and objects by, 23-1-102, 76-6-105
Parties
  county commissioners as plaintiffs, 70-30-203
  defendants, 70-30-203, 70-30-205
  occupant lessees, 70-30-109
  plaintiffs, 70-30-203
  unknown parties defendant, 70-30-203
Payment, See **Compensation of condemnees**
Personal property subject to, 70-1-205
Piers, defined as public use, 70-30-102
Pipeline carriers, power of, 69-13-104
Pipes for utilities, defined as public use, 70-30-102
Possession to plaintiff, 70-30-311
  federally assisted programs, 70-31-301
  restoration to defendant, 70-30-308
Preliminary order for, 70-30-206
Private individual, exercise by, 70-1-205
Private property subject to, 70-30-103
Private roads, See **Roads**
Procedure, Title 70, chapter 30, parts 2 and 3, See this main category generally
Public buildings, defined as public use, 70-30-102
Public uses
  abandonment, 70-30-321, 70-30-322
  determination, 70-30-206
  enumerated, 70-30-102
  greatest public good, 70-30-110
  reappropriation to another use, 70-30-103, 70-30-111
  required, 70-1-205
  summons, statement in, 70-30-204
Railroads
  cattle guards, 70-30-301, 70-30-307
  connections and crossings, determination, 70-30-206

EMINENT DOMAIN (Continued)

Railroads (Continued)
  fences, 70-30-301, 70-30-307
  power of, 69-14-513, 69-14-536
  public use, defined as, 70-30-102
Reclamation of coal mining lands, defined as public use, 70-30-102
Relocation of condemnees
  advisory services, 70-31-204
  appeal, 70-31-207
  applicability of laws, 70-31-101, 70-31-103, 70-31-104
  assurance of replacement facilities required, 70-31-205, 70-31-206
  compensation
    appeal, 70-31-207
    application, 70-31-201
    authorization, 70-31-201, 70-31-206
    duplication not intended, 70-31-105
    fixed payments based on earnings, 70-31-201
    income, payments not to be considered as, 70-31-106
    moving allowance, 70-31-201
    rented residence, additional compensation for displacement from, 70-31-203
    required, 70-31-206
    residence, additional compensation for displacement from, 70-31-202, 70-31-203
  construction scheduling, 70-31-301
  costs to be included in program costs, 70-31-206
  definitions, 70-31-102
  dislocation allowance, 70-31-201
  duplication of compensation not intended, 70-31-105
  federal assistance, applicability of laws, 70-31-103
  federal law, compliance with, 70-31-101
  moving allowance, 70-31-201
  purpose of provisions, 70-31-101
  replacement facilities, assurance required, 70-31-205, 70-31-206
  uniformity of treatment, 70-31-101, 70-31-204
Report of commissioners, 70-30-303
  appeal venue, determination, 70-30-304
Reservoirs, surface rights necessary subject to, 70-30-104
Reversion — logging roads, temporary — land taken for, 70-30-109
Rights in land, subject to, 70-30-104
Rights-of-way
  complaint, 70-30-203
  subject to, 70-30-103
Roads
  jury determination, 70-30-107
  logging roads, See **Logging roads and railways**
  public use, defined as, 70-30-102
  subject to, 70-30-103, 70-30-107, 70-30-108
Sale of property acquired for public use when abandoned, 70-30-321, 70-30-322
School district use as public use, 70-30-102
Service of process, 70-30-204
  appeal, notice, 70-30-304
  compensation, accrual of right dates from, 70-30-302
  report of commissioners, 70-30-303
Set aside, 70-30-308
Sewerage
  county commissioners as parties, 70-30-203
  public use, defined as, 70-30-102
Smelters, for, See **MINES AND MINING, Eminent domain** categories
State
  right of eminent domain, 70-1-202, 70-1-205, 70-30-101
  use as public use, 70-30-102
Statutes applicable, See **Applicability of laws**
Stay of proceedings on appeal, 70-30-312
Streams, changing banks and obstructions as public use, 70-30-102

EMINENT DOMAIN (Continued)

Streets, See **Roads**
Summons
 contents, 70-30-204
 required, 70-30-202
 service, 70-30-204
Surety bonds, See **Undertakings and surety bonds**
Surveys of property, 70-30-110
Taxes, proration, 70-30-315, See also **TAXATION, Eminent domain**
Telegraph lines, defined as public use, 70-30-102
Telephone lines, defined as public use, 70-30-102
Time
 answer, 70-30-205
 appeal from assessment, 70-30-304
 displacement, eligibility for compensation, 70-31-202, 70-31-203
 hearing, 70-30-301
 offer of judgment, 70-30-305
 payment to condemnee, 70-30-307
 relocation, notice, 70-30-301
 report of commissioners, 70-30-303
 sale of property abandoned from public use, notice, 70-30-321
Title
 defective, 70-30-310
 vests in plaintiff when, 70-30-309
Tramway lines, defined as public use, 70-30-102
Trial
 appeal from assessment, 70-30-304
 roads, private — condemnation of, 70-30-107
Tunnels, defined as public use, 70-30-102
Undertakings and surety bonds
 appeal, on, 70-30-311
 cattle guards and fences, for building, 70-30-307
Utilities
 public use, defined as, 70-30-102
 rural cooperatives, power, 35-18-106
Value of property
 current fair market value, 70-30-301, 70-30-313
 date to be valued, 70-30-302
 determination, 70-30-301
 improvements, effect, 70-30-302
Venue, 70-30-202
Vesting of title in plaintiff, 70-30-309
Waiver of appointment of commissioners and hearing, 70-30-207
Water conservation projects, acquisition of property for, 76-5-1108
Water pipes, defined as public use, 70-30-102
Weed control responsibility, 70-30-314
Wharves, defined as public use, 70-30-102

EMISSION CONTROLS

 See **AIR QUALITY**

EMOTIONALLY HANDICAPPED PERSONS

 See generally **DEVELOPMENTALLY DISABLED PERSONS; MENTALLY ILL PERSONS**

EMPLOYEE APPEALS BOARD

 See **ADMINISTRATION, DEPARTMENT OF**

EMPLOYEE LIFE INSURANCE

See **INSURANCE — LIFE, Group life; Groups and group requirements**

EMPLOYER'S LIABILITY INSURANCE

See **INSURANCE — CASUALTY**, generally

EMPLOYMENT

See **LABOR AND EMPLOYMENT**

EMPLOYMENT AGENCIES AND OFFICES

Administration, Title 39, chapter 5, part 1
Contracts, Title 39, chapter 5, part 3
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Enforcement, Title 39, chapter 5, part 4
Fair Practices, Code of, Title 49, chapter 3, See **DISCRIMINATION, Government, state and local**
Fees, Title 39, chapter 5, part 3
General provisions, Title 39, chapter 5, part 1
Investigation, Title 39, chapter 5, part 4
Labor and Industry, Commissioner of — authority, Title 39, chapter 5
Licensing, Title 39, chapter 5, part 2
Operation, Title 39, chapter 5, part 3

EMPLOYMENT AGENCY ACT, Title 39, chapter 5

See **EMPLOYMENT AGENCIES AND OFFICES**, generally

EMPLOYMENT SECURITY, DIVISION OF

See **LABOR AND INDUSTRY, DEPARTMENT OF**, generally

ENABLING ACT

See also ANNOTATIONS TO MONTANA CODE ANNOTATED, Vol. I

Capitol building construction, revenue from land grant, 18-2-107
Publication with Montana Code Annotated, 1-11-204

ENACTMENT OF LAWS

See **LAW**

ENCROACHMENTS

See **COUNTY ROADS AND BRIDGES; HIGHWAYS**

ENCUMBRANCES

Bond issues, See **BOND ISSUES, PUBLIC**, generally
Covenant against, See **REAL PROPERTY, Covenants running with the land**
Homestead, 70-32-301
Liens, See **LIENS**
Mortgages, See **MORTGAGES**
Pledges, See **PLEDGES**
Sale of goods, See **SALES**
Secured transactions, See **SECURED TRANSACTIONS**

ENCUMBRANCES (Continued)

Small Tract Financing Act of Montana, Title 71, chapter 1, part 3, See **TRUST INDENTURES**, generally
Trust indentures, See **TRUST INDENTURES**

ENDANGERED SPECIES, Title 87, chapter 5, part 1

See **NONGAME AND ENDANGERED SPECIES**

ENDODONTIA AND ENDODONTISTS

See **DENTISTRY AND DENTISTS**

ENDOWMENT BENEFITS

See **INSURANCE — LIFE**, generally; See generally **FRATERNAL BENEFIT SOCIETIES**

ENDOWMENTS

See **INSTITUTIONS; TRUSTS AND TRUSTEES, Institutional funds**

ENEMY ATTACK

See **EMERGENCIES AND EMERGENCY POWERS**, generally

ENERGY

Advisory committees
  alternative energy, 90-4-104
  energy policy, 90-4-303, See **EMERGENCIES AND EMERGENCY POWERS, Energy supply emergencies**
Alerts, See **EMERGENCIES AND EMERGENCY POWERS, Energy supply emergencies**
Alternative Energy Advisory Committee, 90-4-104
Alternative renewable sources, See **Renewable sources development**
Atomic, See **NUCLEAR ENERGY**
Building codes, 50-60-201, 50-60-203
Coal, See **COAL**, generally
Conservation
  building codes, 50-60-201, 50-60-203
  education programs, 35-18-316
  emergencies, See **EMERGENCIES AND EMERGENCY POWERS, Energy supply emergencies**
  residential service, See **Residential conservation service**
  tax incentives and penalties, See **TAXATION**
  weatherization, See **Weatherization programs**
Conversion
  facility siting, Title 75, chapter 20, See **FACILITY SITING**
  nuclear, siting, See **FACILITY SITING**
  renewable sources, See **Renewable sources development**
  tax incentives, 15-32-102, See **TAXATION, Energy-related incentives**
Development
  alternative sources, See **Renewable sources development**
  nuclear, See **NUCLEAR ENERGY, Interstate compact**
  renewable sources, See **Renewable sources development**
Easements for, 70-17-101, 70-17-102, 70-17-301, 70-17-302
Electrical, See **ELECTRICAL ENERGY AND ELECTRICITY**
Emergency regulation, 10-3-505, 90-4-304, 90-4-310
  supply emergencies, See **EMERGENCIES AND EMERGENCY POWERS**

ENERGY (Continued)

Energy Policy Committee, See **EMERGENCIES AND EMERGENCY POWERS, Energy supply emergencies**
Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Forecasting
  authorization of program, 90-4-301
  emergencies, use in determination, 90-4-305
Gas, See **OIL AND GAS**
Gasoline, See **GASOLINE AND PETROLEUM PRODUCTS**
Geothermal development, See **STATE LANDS, Geothermal resource leases**
Home weatherization, See **Weatherization programs**
Hydroelectric, development, See **STATE LANDS, Power site leases or licenses**
Legislative Energy Policy Committee, See **EMERGENCIES AND EMERGENCY POWERS, Energy supply emergencies**
Major Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Methane, See **Solid waste**
Monitoring of supplies and demand, 90-4-301, 90-4-305, 90-4-504
Natural gas, See **OIL AND GAS**
Natural Resources and Conservation, Department of
  renewable sources development
    expenses, 90-4-103, 90-4-107
    grants or loans
      application forms prescribed by, 90-4-105
      award by, 90-4-106
      funding, agreements for, 80-11-222
    powers generally, 90-4-104
    reporting to legislature, 90-4-107
    rulemaking authority, 90-4-104
  residential conservation service, authority, 90-4-503, 90-4-504
Nuclear, See **NUCLEAR ENERGY**
Nuclear Compact, Western Interstate, Title 90, chapter 5, part 2, See **NUCLEAR ENERGY, Interstate compact**
Oil and gas, See **OIL AND GAS**
Pacific Northwest Electric Power and Conservation Planning Council
  compensation of members, 90-4-404
  duties, 90-4-403
  members, 90-4-402, 90-4-404
  participation, 90-4-401
  report to legislature, 90-4-403
  term of office of members, 90-4-402
  vacancies, 90-4-402
Public utilities, See **UTILITIES**
Renewable sources development
  administration, 90-4-104
  alternative energy advisory committee, 90-4-104
  alternative energy research development and demonstration account, 15-35-108, 90-4-103
  commercialization loans, 90-4-101
    application, 90-4-104, 90-4-105
    authorization, 90-4-101
    award, 90-4-104, 90-4-106
    rulemaking authority, 90-4-104
  definitions, 90-4-102
  expenses, 90-4-103, 90-4-107
  federal aid, 90-4-106
  grants
    application, 90-4-104, 90-4-105
    award, 90-4-104, 90-4-106
    funding, 80-11-222
  information to be public, 90-4-106
  legislative intent, 90-4-101
  oversight by environmental quality council, 90-4-108
  policy of state, 90-4-101
  public, information and results to be, 90-4-106

ENERGY (Continued)

Renewable sources development (Continued)
  purpose, 90-4-101
  reporting, 90-4-107, 90-4-108
  research, 90-4-101
  rulemaking authority, 90-4-104
  taxation, See **TAXATION, Energy-related incentives**
Research
  alternative sources development, See **Renewable sources development**
  renewable sources development, See **Renewable sources development**
Residential conservation service
  administration, 90-4-503, 90-4-504
  contractors, information and qualifications, 90-4-504
  definitions, 90-4-502
  duties of department of natural resources and conservation, 90-4-504
  establishment, 90-4-503
  extent of provisions, 90-4-503
  grievance procedures, 90-4-504
  guidelines, 90-4-504
  lenders, information and qualifications, 90-4-504
  monitoring, 90-4-504
  purpose of provisions, 90-4-501
  rulemaking authority, 90-4-504
  staff, 90-4-504
Shortages, See **EMERGENCIES AND EMERGENCY POWERS**
Social and Rehabilitation Services, Department of — weatherization programs, authority, 90-4-201, 90-4-202
Solar, See also this main category generally
  development, 90-4-102, See **Renewable sources development**
  easements for, 70-17-301, 70-17-302
  tax incentives, 15-32-102, See **TAXATION, Energy-related incentives**
Solid waste
  conversion, methane, 90-4-102, See **Renewable sources development**
  recovery, See **SOLID WASTE MANAGEMENT**
  tax incentives, 15-32-102, See **TAXATION, Energy-related incentives**
Taxation, See **TAXATION**
Utilities, See **UTILITIES**
Weatherization programs
  administration, 90-4-202
  allocation of funds, 90-4-202, 90-4-203
  moneys for, 90-4-201, 90-4-203
Western Interstate Nuclear Compact, Title 90, chapter 5, part 2, See **NUCLEAR ENERGY, Interstate compact**
Wind
  development, 90-4-102, See **Renewable sources development**
  tax incentives, 15-32-102, See **TAXATION, Energy-related incentives**

ENERGY ADVISORY COMMITTEE, ALTERNATIVE, 90-4-104

ENERGY POLICY COMMITTEE, LEGISLATIVE

  See **EMERGENCIES AND EMERGENCY POWERS, Energy supply emergencies**

ENGINEERS AND LAND SURVEYORS

  See also **REAL PROPERTY, Surveying**

Advertising, 35-4-103, 35-4-201
Air Pollution Control Advisory Council, membership, 2-15-2106
Alien engineers, 37-67-303, 37-67-312, 37-67-319
Appointment by state when, 18-2-112

ENGINEERS AND LAND SURVEYORS (Continued)

Architects
  engineering provisions, architects exempt from, 37-67-103
  licensing provisions, engineers exempt from, 37-65-103
Board of Professional Engineers and Land Surveyors
  allocation, 2-15-1873
  charges against licensees, investigation, 37-67-331
  compensation of members, 37-67-203
  composition, 2-15-1873
  corner records, rulemaking authority, 70-22-107
  defined, 37-67-101
  disciplinary proceedings, 37-67-331
  educational credits determined by, 37-67-308
  enrollment cards for trainees, 37-67-314
  expenses of members, 37-67-203
  fees prescribed by, 37-67-303, 37-67-311, 37-67-315, 37-67-318, 37-67-319
  funding, 37-67-317
  hearings, 37-67-331
  interviews by, 37-67-308
  investigation of charges against licensees, 37-67-331
  legal adviser, 37-67-332
  meetings, 37-67-201
  oaths administered by, 37-67-202
  officers, 37-67-201
  proceedings, register, 37-67-204
  public representation on, 2-15-1873
  quorum, 37-67-201
  registration
    applications, 37-67-303, 37-67-319
    examinations, 37-67-311, 37-67-313
    fees prescribed by, 37-67-303, 37-67-311, 37-67-315
    issuance, 37-67-314
    qualifications, 37-67-306 — 37-67-310
    register of applicants, contents, 37-67-204
    reissuance, 37-67-331
    replacement of certificates, 37-67-316
    revocation, suspension, or refusal, 37-67-331
    temporary permits, 37-67-319
  removal from office, 2-15-1873
  roster of licensees, fee for copy, 37-67-318
  rules, 37-67-201, 37-67-202, 37-67-316
  seal
    of board, 37-67-201
    of engineer or land surveyor, approval of design, 37-67-314
  subpoenas, issuance, 37-67-202
  temporary permits granted by, 37-67-319
  termination, 2-8-103
  term of office, 2-15-1873
  witnesses, 37-67-202
Boiler operator engineers, See **BOILERS AND STEAM ENGINES**
City engineer, See also **SPECIAL IMPROVEMENT DISTRICTS; STREET LIGHTING DISTRICTS**
  state land, easements on — affidavit regarding, 77-2-102
Commerce, Department of
  charges against licensees filed with, 37-67-331
  defined, 37-67-101
  earmarked revenue fund, 37-67-317
  enrollment cards for trainees, issuance, 37-67-314
  moneys collected by, deposit, 37-67-317
  records kept by, 37-67-204
  registration
    applications, 37-67-303
    enrollment cards for trainees, 37-67-314

ENGINEERS AND LAND SURVEYORS (Continued)

Commerce, Department of (Continued)
  registration (Continued)
    issuance, 37-67-303, 37-67-314
    register of applicants, 37-67-204
    renewal, notification concerning, 37-67-315
    replacement of certificates, 37-67-316
  roster of licensees, publication, 37-67-318
Condominiums, certification of floor plan, 70-23-306
Consultants, private — nonapplicability of provisions, 18-8-103
Consulting engineers
  appointment by state when, 18-2-112
  construction of state buildings, appointment to, 18-2-112
  electric suppliers, for, 69-5-106
Coordinate systems, See **REAL PROPERTY**
Corner Recordation Act of Montana, Title 70, chapter 22, part 1, See **REAL PROPERTY, Corner records**
County engineer, affidavit regarding easements on state lands, 77-2-102
County surveyor, See **COUNTY SURVEYOR**
Definitions, 37-67-101, 76-3-103
Disciplinary proceedings, 37-67-331
Easements on state lands, affidavit regarding, 77-2-102
Electric suppliers, consultant engineer for, 69-5-106
Enforcement of provisions, 37-67-332
Engineers-in-training
  defined, 37-67-101
  enrollment cards, 37-67-314
  licensing, See **Registration**
Enrollment cards for trainees, 37-67-314
Execution, exemption, 25-13-612
Exemptions from provisions, 37-67-103
Fees, See **Registration**
Foreign engineers, 37-67-303, 37-67-312, 37-67-319
Incompetency, 37-67-331
Incorporation, See **CORPORATIONS**, **Professional service corporations**
Investment advisers, exclusion as, 30-10-103
Landscape architecture, nonapplicability of provisions, 37-66-105
Land surveyors, See also **REAL PROPERTY, Surveying**
  corner recordation act, effect of noncompliance, 37-67-331, See also **REAL PROPERTY, Corner records**
  defined, 37-67-101
  licensing, See **Registration**
  public projects, supervision, 18-2-121
  seal
    misuse, 37-67-314, 37-67-332
    required when, 18-2-122, 37-67-314, 70-22-108
  supervision by, when, 18-2-121
  temporary permits not allowed, 37-67-319
Land surveyors-in-training
  defined, 37-67-101
  enrollment cards, 37-67-314
  licensing, See **Registration**
Licensing, See **Registration**
Liens for services, See **LIENS, Mechanics' liens**
Local registration or license fee or tax prohibited, 37-67-304
Mechanics' liens, See **LIENS**
Misconduct, 37-67-331
Negligence, 37-67-331
Nonresidents, 37-67-303, 37-67-312, 37-67-313, 37-67-319
Plumbers, Board of — representation on, 2-15-1875
Practice of engineering
  defined, 37-67-101
  registration, lack of, 37-67-301, 37-67-302, 37-67-332

ENGINEERS AND LAND SURVEYORS (Continued)

Practice of engineering (Continued)
  representation as practitioner construed as, 37-67-102
  temporary permit for, 37-67-319
Practice of land surveying
  defined, 37-67-101
  registration, lack of, 37-67-301, 37-67-302, 37-67-332
  representation as practitioner construed as, 37-67-102
  temporary permit for, not allowed, 37-67-319
Professional conduct, violation of rules for, 37-67-331
Professional engineers
  condominiums, certification of floor plan, 70-23-306
  defined, 37-67-101
  insurance, professional liability, See **INSURANCE — CASUALTY**
  licensing, See **Registration**
  temporary permits, 37-67-319
Professional Engineers and Land Surveyors, Board of, See **Board of Professional Engineers and Land Surveyors**
Professional service corporations, See **CORPORATIONS**
Public projects, supervision, 18-2-121
Registration
  aliens, 37-67-303, 37-67-312
  applications, 37-67-303, 37-67-312, 37-67-315, 37-67-319
  comity or endorsement, by, 37-67-312, 37-67-313
  competency, verification, 37-67-315
  denial, 37-67-303
  destroyed certificates, 37-67-316
  discrimination in issuance prohibited, 49-3-204
  engineers-in-training, 37-67-303, 37-67-305, 37-67-307, 37-67-311, 37-67-314
  enrollment cards for trainees, 37-67-314
  examinations
    cost included in application fee, 37-67-303
    disciplinary proceedings, 37-67-331
    licensure without, when, 37-67-312
    passing, required, 37-67-306, 37-67-307, 37-67-309, 37-67-310
    requirements generally, 37-67-311, 37-67-313
  expiration, 37-67-315
  false or forged evidence in obtaining, 37-67-332
  fees, 37-67-303, 37-67-311, 37-67-315, 37-67-319
  fraud or deceit in obtaining, 37-67-331
  issuance of certificates, 37-67-303, 37-67-306, 37-67-307, 37-67-314
  land surveyors, 37-67-303, 37-67-308, 37-67-309, 37-67-311, 37-67-312, 37-67-319
  land surveyors-in-training, 37-67-303, 37-67-308, 37-67-310, 37-67-311, 37-67-314
  local fee or tax prohibited, 37-67-304
  lost certificates, 37-67-316
  misuse, 37-67-332
  nonrenewal, 37-67-315
  nonresidents, 37-67-303, 37-67-312, 37-67-313, 37-67-319
  practice without, 37-67-301, 37-67-302
  professional engineers, 37-67-303, 37-67-305, 37-67-306, 37-67-311, 37-67-312, 37-67-319
  qualifications
    engineers-in-training, 37-67-305, 37-67-307
    land surveyors, 37-67-308, 37-67-309
    land surveyors-in-training, 37-67-308, 37-67-310
    professional engineers, 37-67-305, 37-67-306
  reciprocity, 37-67-312, 37-67-313
  reexamination, 37-67-311
  register of applicants, 37-67-204
  reissuance, 37-67-331
  renewal, 37-67-315, 37-67-331
  replacement of certificates, 37-67-316
  required, 37-67-301
  revocation or suspension, 37-67-331

ENGINEERS AND LAND SURVEYORS (Continued)

Registration (Continued)
- roster of licensees, 37-67-318
- serial numbers, 37-67-314
- temporary permits, 37-67-319

Roster of licensees, 37-67-318
Sanitarian, exemption from practice of, 37-40-102
Seal
- description, 37-67-314
- misuse, 37-67-314, 37-67-332
- required, 18-2-122, 37-67-314

State buildings, construction — duties, See **CAPITOL AND OTHER STATE BUILDINGS**
State engineer as member of Board of Water Well Contractors, 37-43-201
State lands
- easements on, affidavit regarding, 77-2-102
- survey when, 77-1-104

Subdivisions, responsibilities, See **SUBDIVISIONS**
Utilities, underground — excavations near, information requirements, 69-4-504
Violations and penalties, 37-67-332
- registration
  - lack of, 37-67-301, 37-67-332
  - revoked, suspended, or refused for, 37-67-331
- seal, unlawful use, 37-67-314, 37-67-332

ENGINES

See **BOILERS AND STEAM ENGINES; HOISTING ENGINES**

ENGLISH LANGUAGE

Condemnation commissioners, fluency required, 70-30-207
Consumer loans, statement of terms, 32-5-303
Court proceedings to be conducted in, 3-1-314
Dentists, license examinations conducted in, 37-4-301
Fraternal benefit societies
- documents to be in, 33-7-202
- minutes of proceedings of governing body, 33-7-304

Hazardous substances, labels, 50-30-202
Interpreters for deaf persons in official proceedings, statements to be repeated in, 49-4-508
Nonprofit corporation name to be in, 35-2-301, 35-2-805
Optometrists, certificate of registration examinations conducted in, 37-10-302
Physicians
- certificate, requirements, 37-3-305
- license examinations conducted in, 37-3-311

ENJOYMENT

See **PERSONAL PROPERTY, Covenants; PROPERTY; REAL PROPERTY, Covenants running with the land**

ENTERTAINMENTS INSURANCE

See **INSURANCE — CASUALTY**, generally

ENTOMBMENT

See **CEMETERIES; FUNERALS AND FUNERAL EXPENSES; MAUSOLEUMS AND COLUMBARIUMS**

ENTOMOLOGY

See **INSECTS AND INSECT CONTROL**, generally

ENTRY OF JUDGMENT

See **JUDGMENTS AND DECREES**

ENVIRONMENTAL POLICY

Citation of Montana Environmental Policy Act, 75-1-101
Energy emergency provisions, exclusion, 90-4-310
Environmental Quality Council, See **ENVIRONMENTAL QUALITY COUNCIL**
Exemption to provisions, 75-1-201
Impact statements
  air quality permit requirements, 75-2-211, 75-2-212
  facility siting, for, See **FACILITY SITING**
  fees
    administrative procedure act, applicability, 75-1-204
    agency rules to prescribe, 75-1-202, 75-1-203
    facility siting applications, exemption, 75-1-207
    multiple applications or combined facility, 75-1-206
    schedule, 75-1-203
    use, 75-1-205
  general directions, 75-1-201
  heritage properties and paleontological remains, consultations concerning, 22-3-433
  lakeshore protection, for, 75-7-213
  statutory obligations, unimpairment, 75-1-104
  subdivisions, when, 76-4-125
Montana Environmental Policy Act
  citation, 75-1-101
  purpose, 75-1-102
Policy of state, 75-1-103
  statutory obligations, unimpairment, 75-1-104
  supplemental, 75-1-105
Purpose of provisions, 75-1-102
Short title, 75-1-101
Statutory obligations, unimpairment, 75-1-104
Supplemental policies and goals, 75-1-105

ENVIRONMENTAL PROTECTION

Advertising adjacent to highways, See **OUTDOOR ADVERTISING**
Air quality, See **AIR QUALITY**
Aquatic ecosystem protection, See **LAKES, Shore protection**; **RIVERS AND STREAMS, Streambed protection**
Billboards, See **OUTDOOR ADVERTISING**, generally
Clean Air Act of Montana, Title 75, chapter 2, See **AIR QUALITY**
Coal
  conservation, See **COAL**
  eminent domain, use limited to protect, 70-30-106
Commercial fertilizers, See **COMMERCIAL FERTILIZERS**, generally
Energy development, compatibility, 90-4-101, See **ENERGY, Renewable sources development**
Environmental Policy Act, Title 75, chapter 1, See **ENVIRONMENTAL POLICY**
Environmental Quality Council, See **ENVIRONMENTAL QUALITY COUNCIL**
Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Fertilizers, commercial, See **COMMERCIAL FERTILIZERS**, generally
Generally, Title 75
Geothermal exploration, See **FACILITY SITING**
Hazardous substances, See **HAZARDOUS SUBSTANCES**
Hazardous wastes, See **HAZARDOUS WASTES**
Highways, advertising adjacent to, See **OUTDOOR ADVERTISING**

ENVIRONMENTAL PROTECTION (Continued)

Impact statements, See **ENVIRONMENTAL POLICY**
Insecticides, See **PESTS AND PESTICIDES**, generally
Ionizing radiation, See **RADIOACTIVE SUBSTANCES**
Junkyards, See **JUNKYARDS**
Lakeshore protection, See **LAKES, Shore protection**
Landscape architects, See **LANDSCAPE ARCHITECTURE AND ARCHITECTS**
Major Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Material recycling, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES; SOLID WASTE MANAGEMENT**
Mining lands, reclamation and restoration, See **COAL; MINES AND MINING**
Montana Environmental Policy Act, Title 75, chapter 1, See **ENVIRONMENTAL POLICY**
Motor vehicle graveyards and wrecking facilities, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES**
Natural Streambed and Land Preservation Act of 1975, Title 75, chapter 7, part 1, See **RIVERS AND STREAMS, Streambed protection**
Nuclear energy facilities, See **FACILITY SITING, Nuclear energy conversion**
Nuclear regulation, Title 75, chapter 3, See **RADIOACTIVE SUBSTANCES**, generally
Outdoor Advertising Act, Title 75, chapter 15, part 1, See **OUTDOOR ADVERTISING**
Outfitters and guides, compliance with standards, 87-4-121
Pesticides Act, Title 80, chapter 8, See **PESTS AND PESTICIDES**
Policy, Title 75, chapter 1, See **ENVIRONMENTAL POLICY**
Pollution, See **AIR QUALITY; WATER QUALITY**
Public water supplies, See **WATER SUPPLY, PUBLIC**
Radioactive substances, See **FACILITY SITING, Nuclear energy conversion**, generally; **RADIOACTIVE SUBSTANCES**
Recycling, See generally **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES; SOLID WASTE MANAGEMENT**
Renewable resources, protection and development, 90-2-101, See **RENEWABLE RESOURCE DEVELOPMENT**
Resource indemnity trust tax, See **TAXATION, Resource indemnity trust tax**
Sanitarians, See **SANITARIANS**
Solid waste management, See **SOLID WASTE MANAGEMENT**
Streambed protection, See **RIVERS AND STREAMS**
Subdivision regulations for, See **SUBDIVISIONS**
Taxation for, See **TAXATION, Resource indemnity trust tax**
Water, See generally **WATER, Conservation; Resources; WATER QUALITY; WATER SUPPLY, PUBLIC**

ENVIRONMENTAL QUALITY COUNCIL

Appointment to, 5-16-101
Assistance, 75-1-201
Compensation of members, 75-1-302
Composition, 5-16-101
Consultations, 75-1-313
Contempt proceedings, 75-1-312
Definition, 75-1-301
Depositions, 75-1-312
Environmental impact statements, availability of copies, 75-1-201
Establishment, 75-1-102
Executive director
  appointment, 75-1-321
  duties, 75-1-324
  employees, appointment, 75-1-323
  qualifications, 75-1-321
  removal, 75-1-322
  term, 75-1-322
Expenses of members, 75-1-302
Facility siting, responsibilities, See **FACILITY SITING**
Hearings, 75-1-312
Meetings, 75-1-302

ENVIRONMENTAL QUALITY COUNCIL (Continued)

Officers, 5-16-105
Purpose, 5-16-102
Qualifications for membership, 5-16-102
Records, agency — examination, 75-1-311
Renewable sources development, oversight, 90-4-108
Solid waste management plans, submission to, 75-10-111
Staff, 75-1-323, 75-1-324
Subpoena powers, 75-1-312
Term of membership, 5-16-103
Utilization of services, 75-1-313
Vacancies, how filled, 5-16-104

ENVIRONMENTAL SCIENCES, DIVISION OF

See **HEALTH AND ENVIRONMENTAL SCIENCES, DEPARTMENT OF**

EPIDEMICS

See generally **DISEASES, Communicable; EMERGENCIES AND EMERGENCY POWERS**

EPILEPSY

See **DEVELOPMENTALLY DISABLED PERSONS**, generally

EQUALIZATION

See **TAXATION**

EQUALIZATION AID FOR SCHOOLS

See **SCHOOL FINANCE**

EQUITY

Appellate jurisdiction, 3-2-203, 3-2-204
Arbitration, See **ARBITRATION**
Arrest, prejudgment, See **ARREST**
Attachment, prejudgment, See **ATTACHMENT OF PROPERTY**
Bail, See **BAIL, CIVIL**
Banks and trust companies, applicability, 32-1-402, 32-1-403
Claim and delivery, See **CLAIM AND DELIVERY**
Clean hands doctrine, 27-1-416
Confession of judgment, See **JUDGMENTS AND DECREES**
Contract recission, requirement of rescinding party, 28-2-1716
Debts, debtors, and creditors — applicability, 31-2-324
Declaratory judgments, See **JUDGMENTS AND DECREES**
Defenses, equitable, 1-3-218
Industrial development bonds, applicability, 90-5-105
Injunctions, See **INJUNCTION, WRIT OF**
Joinder of parties, dismissal when not feasible, Title 25, chapter 20, M.R.Civ.P., Rule 19(b)
Jurisdiction of
  district court, 3-5-302
  supreme court, 3-2-203, 3-2-204
Laches, See also **STATUTES OF LIMITATION**
  defense, 1-3-218; Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
  insurers, actions by or against — nonapplicability when, 33-2-1334, 33-2-1348
Landlord and tenant, applicability of laws, 70-24-105
Nuisances, abatement — applicability, 45-8-112
Partition, 70-29-209, See also **PARTITION**

EQUITY (Continued)

Partnerships, applicability, 35-10-105
Preventive remedies, See **REMEDIES**, **Preventive relief**
Principles, basic, Title 1, chapter 3, See **LAW**, **Maxims of jurisprudence**
Provisional remedies, See **REMEDIES**
Receivers, See **RECEIVERS**
Rules of Civil Procedure, applicability, Title 25, chapter 20, M.R.Civ.P., Rule 1
Securities, applicability, 30-10-307
Specific performance, when no adequate remedy at law, 27-1-411, 27-1-414
Submission of controversy without action, See **SPECIAL PROCEEDINGS**
Uniform Commercial Code, applicability, 30-1-103, 30-8-317
Unjust enrichment, basis for recovery, 27-1-601

EROSION CONTROL OR PREVENTION

See **CONSERVATION DISTRICTS**, generally; **MINES AND MINING**; **Reclamation and restoration**

ESCALATORS

See **ELEVATORS**

ESCAPE

See **PRISONERS**

ESCHEATED ESTATES ACT, Title 72, chapter 14, parts 1 — 3

See **ESTATES AND PROBATE PROCEEDINGS**, **Escheated estates**

ESTATES AND PROBATE PROCEEDINGS

See also **REAL PROPERTY**; **WIDOWS AND WIDOWERS**, generally

Actions by or against deceased
  execution, 25-13-103, 25-13-306
  statutes of limitation, 27-2-304, 27-2-401, 27-2-404, 27-2-407
  survival, See **CIVIL PROCEDURE**, **Survival of action**
Actions by or against personal representative, See **Personal representative**
Administration
  ancillary, See **Ancillary administration**
  appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 66
  declaratory judgments, availability, 27-8-202, 27-8-204
  judgment, effect, 26-3-201
  personal representative, See **Personal representative**
  public administrator, See **Public administrator**
  supervised, See **Supervised administration**
  third parties, by, See **Third parties**
Administrator, See **Personal representative**; **Public administrator**; **Special administrator**
Adoption, right of inheritance, 40-8-125
Anatomical Gift Act, Title 72, chapter 17, See **Anatomical gifts**
Anatomical gifts
  drivers' licenses, indication of intent on, 61-5-301
  general provisions, Title 72, chapter 17, part 1
  procedure, Title 72, chapter 17, part 2
Ancillary administration, Title 72, chapter 4, part 4
Applicability of laws, Title 72, chapter 1, part 2
  administration of estate, Title 25, chapter 20, M.R.Civ.P., Rule 66
  cemetery associations, 35-20-207
Appointment, power of, 70-1-704

ESTATES AND PROBATE PROCEEDINGS (Continued)

Attachment of interest in, 27-18-412
Attorney's fees, See **ATTORNEYS AT LAW**
Bank deposits and collections, 30-4-405
Causa mortis gifts, See **PERSONAL PROPERTY, Gifts**
Cemetery plots, 35-20-216
Children, See **Minors**
Claims against the estate, See **Creditors' claims**
Closing of estate
  accounting, Title 72, chapter 12, part 10
  generally, Title 72, chapter 3, part 10
  paternity proceedings, effect on, 40-6-108
Commercial paper, See **COMMERCIAL PAPER**
Conservators and conservatorship, See also **GUARDIAN AND WARD**, generally
  appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  default judgment against, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  generally, Title 72, chapter 5, parts 1 and 4
  married person as conservator, 40-2-108
  petition, fee for filing, 25-1-201
  power of attorney, Title 72, chapter 5, part 5
  securities
    exempt transactions, 30-10-105
    injunctive proceedings, appointment, 30-10-305
    transfer, 30-10-402, See **SECURITIES AND SECURITIES REGULATION, Fiduciary transfers**
  small claims court, action in, 25-34-105, 25-35-505
Construction of provisions, Title 72, chapter 1, part 1
Cooperative associations, proceeds of shares to estate, 35-15-404
Court, See **District court**
Creditors' claims, Title 72, chapter 3, part 8; Title 72, chapter 12, part 8
  causa mortis gifts, 70-3-205
Criminal offenders, expenses of commitment chargeable to, 46-14-221
Declaratory judgments, availability, 27-8-202
Definitions, 1-1-205, 70-1-702; Title 72, chapter 1, part 1
Descent
  adoption, effect of, 40-8-125
  real property, effect on right of possession, 70-19-414
Disability, persons under, See **Conservators and conservatorship**; **GUARDIAN AND WARD**
Distribution
  adoption, effect of, 40-8-125
  appeal permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  debt, discharge, 72-12-901
  heirship
    paternity proceedings effect on, 40-6-105, 40-6-107, 40-6-108
  joint tenancy, 70-1-309
  limited partnership, interest in, 35-12-802
  special provisions, Title 72, chapter 3, part 9
  testamentary gift, 72-12-901
District court
  clerk of court's duties, 3-5-513
  general provisions, Title 72, chapter 10, part 1
  judge's power at chambers, 3-5-311
  jurisdiction, 3-5-302; Title 25, chapter 20, M.R.Civ.P., Rule 4B; Title 72, chapter 1, part 2; Title 72, chapter 10, part 1
  original jurisdiction, 3-5-302
  recording of proceedings, 3-5-513
  supervised administration, See **Supervised administration**
Dower
  partition, joinder of tenant in dower, 70-29-104, 70-29-105, 70-29-326
  presumption property free from, 70-20-316
  quiet title, subject to, 70-28-101, 70-28-104, 70-28-105
Elective share, Title 72, chapter 2, part 7

ESTATES AND PROBATE PROCEEDINGS (Continued)

Escheated estates
  acquisition by state, 70-1-203; Title 72, chapter 14, part 2
  actions for claim, Title 72, chapter 14, part 3
  general provisions, Title 72, chapter 14, parts 1 and 4
  inheritance tax, 72-14-303
  insurer's liquidation, unclaimed funds, 33-2-1374
  intestate estate, when no taker, 72-2-207
  scope, 70-1-203
  unclaimed property, applicability of laws, 70-9-103, 70-9-105
Escheated Estates Act, Title 72, chapter 14, parts 1 — 3, See **Escheated estates**
Estate tax, See **TAXATION**
Execution against, 25-13-306
Executor, See **Personal representative**
Exempt property and allowances, Title 72, chapter 2, part 8
Fire department relief association death benefits, paid to estate when, 19-11-607
General provisions, Title 72, chapter 1, part 1
Gifts, See **MINORS**; **PERSONAL PROPERTY**; **PROPERTY**; **REAL PROPERTY**
Guardians, See **Conservators and conservatorship**; **GUARDIAN AND WARD**
Heirship
  covenants, how answerable, 70-20-306
  paternity proceedings, effect on, 40-6-105, 40-6-107, 40-6-108
  quiet title by heirs of deceased entrymen, 70-28-201, See **QUIETING TITLE**
  remainders, meaning of heirs and issue, 70-1-518, 70-15-215
  unknown heirs
    judgment, effect, 25-3-505
    parties, as, 25-3-504
  wrongful death, action by heirs for, 27-1-513
Indigent decedents, burial by county, 44-3-403
Inheritance tax, See **TAXATION**
Insurance
  agent's estate, temporary license to dispose of property belonging to, 33-17-216
  benefits, recovery, 33-15-201
  disability, indemnity payment to estate, 33-22-212, 33-22-604
  life, beneficiaries, 33-20-115
  minors, contracts binding when, 33-15-103
Interest, recovery when excessive, 31-1-108
Intestate succession
  adoption, effect of, 40-8-125
  degrees of kindred, Title 72, chapter 11, part 1
  generally, Title 72, chapter 2, parts 1 and 2
  heirs
    county commissioners, action by for support of children when, 40-6-213
  rights of inheritance
    adoption, effect of, 40-8-125
  simultaneous death, 72-2-205
Joint tenancy, See **TAXATION, Inheritance tax**
Judgments, payment, 25-9-103
  execution, 25-13-306
Jurisdiction in district court, 3-5-302, See **District court**
Laws applicable, See **Applicability of laws**
Legacy, causa mortis gift as, 70-3-205
Letters testamentary, appeal, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
Liens
  judgment, not a lien, 25-9-103
  oil and gas wells and pipelines, laborers and materialmen, 71-3-1012
  salaries and wages, for, 71-3-302
Life estates, See **REAL PROPERTY**; **TAXATION, Inheritance tax**
Married person as personal representative, trustee, guardian, or conservator, 40-2-108
Mausoleum-columbarium plots, 35-21-421, 35-21-424, 35-21-425
Medical examiner, disposition of property with or upon person of deceased, 44-3-402

ESTATES AND PROBATE PROCEEDINGS (Continued)

Minors
  abuse proceedings, transfer of estate, 41-3-406
  adopted, right of inheritance, 40-8-125
  appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  conservatorship, See **Conservators and conservatorship**
  contracts, disaffirmance, 41-1-304
  guardians of, See **GUARDIAN AND WARD**
  insurance contracts binding when, 33-15-103
  parent-child legal relationship termination, child's right of inheritance, 41-3-611
  property, protective proceedings, See **Conservators and conservatorship**
  support
    assessment against estate when, 40-4-208
    county commissioners' action for, 40-6-213
Mortgages
  discharge, 71-1-213
  renewal, 71-1-210
Motor carrier certificates, inheritance, 69-12-325
Motor vehicle certificate of ownership, transfer of interest, 61-3-201
Motor vehicle dealerships, succession to, See **MOTOR VEHICLE DEALERS**, **Succession to ownership**
Negotiable instruments, See **COMMERCIAL PAPER**
Notices, generally, Title 72, chapter 1, part 3
Organ donation, See **Anatomical gifts**
Outfitters' licenses, as part of, 87-4-131
Parents
  relationship determined for succession
    adoptive parents, 40-8-125
  support of children, action by county commissioners for, 40-6-213
Parties, Title 72, chapter 1, part 3
Partition of property, See **PARTITION**
Partnerships, death of partner, See **PARTNERSHIPS**
Paternity
  action for, personal jurisdiction, 40-6-109
  presumption, 40-6-105
Personal representative
  accountants, information derived from services by, 37-50-402
  actions by or against
    appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
      substitution for deceased, Title 25, chapter 21, M.R.App.Civ.P., Rule 37
    costs, 25-10-108
    counterclaim
      against, 25-4-402
      by, 25-4-401
    execution, 25-4-402, 25-13-103, 25-13-306
    insurance benefits, recovery, 33-15-201
    judgment, 25-4-402
    jurisdiction of person, Title 25, chapter 20, M.R.Civ.P., Rule 4B
    quiet title, 70-28-204
    real party in interest, Title 25, chapter 20, M.R.Civ.P., Rule 17(a)
    service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D
    small claims court, in, 25-34-105, 25-35-505
    substitution for deceased, 27-1-501, 27-2-404; Title 25, chapter 20, M.R.Civ.P., Rules 17(a), 25(a); Title 25, chapter 21, M.R.App.Civ.P., Rule 37
    wrongful death, for, 27-1-513
  alcoholic beverage license transferred to, when, 16-4-204
  appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 66
  appointment, Title 72, chapter 3, part 5; Title 72, chapter 12, part 5
    certificate of
      seal of court to be affixed, 3-1-206
    fee, 25-1-201
    vacation, effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 13

ESTATES AND PROBATE PROCEEDINGS (Continued)

Personal representative (Continued)
    banks and trust companies as
        consolidation, status of trust in, 32-1-371
        subsidiary trust company as, 32-1-802, 32-1-807
        trust company as, 32-1-107
    bond, Title 72, chapter 3, part 5
    bonds, official, See **SURETY BONDS**, **Official bonds**
    commercial paper, notice of dishonor to, 30-3-508
    corporate shares
        liability, 35-1-510
        transfer restrictions, enforcement, 35-1-617
        voting, 35-1-506
    declaratory judgments, availability to determine powers, 27-8-204
    fees, Title 72, chapter 3, part 6
        judge or justice as, compensation prohibited, 3-1-601
    foreign jurisdiction, 26-3-203
    foreign personal representative
        bank payments to, 32-1-448
        definitions, 72-4-101
        jurisdiction, Title 72, chapter 4, part 2
        mortgages, 71-1-213
        powers and duties, Title 72, chapter 4, part 3
    fraternal benefit society benefits, payable to — when, 33-7-510
    insurance
        agent's estate, temporary license to dispose of property belonging to, 33-17-216
        life, payment to — when, 33-20-115
    interest, recovery when excessive, 31-1-108
    judge or justice as, restrictions, 3-1-601
    jurisdiction, extent, 26-3-203
    married person as, 40-2-108
    mortgages
        discharge by, 71-1-213
        renewal by, 71-1-210
    motor vehicles
        accident reports, examination allowed when, 61-7-114
        certificate of ownership, transfer of interest, 61-3-201
    official bonds, See **SURETY BONDS**, **Official bonds**
    paternity, action to determine brought by — when, 40-6-107
    powers and duties, Title 72, chapter 3, part 6; Title 72, chapter 12, part 5
    public administrator, See **Public administrator**
    "public servant", defined as, 45-2-101, See **CRIMES**, **Public officers and employees**
    quiet title action by, 70-28-204
    railroads
        corporation stock, claim for installments in default, 69-14-505
        employees, liability for benefits, 69-14-1006
    real estate broker provisions, representative exempt from, 37-51-103
    sales by, See **Sales by personal representative**
    savings bank, See banks and trust companies as
    securities
        endorsement, 30-8-308
        transfer restrictions, enforcement, 35-1-617
    service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D
    small claims court, actions in, 25-34-105, 25-35-505
    special administrator, See **Special administrator**
    stock
        liability, personal — as stockholder, 32-1-333
        proxy in election of board of directors, 32-1-323
    subsidiary trust company as, 32-1-802, 32-1-807, See also banks and trust companies as
    taxation
        income tax, filing of claim for property tax relief, 15-30-174
        refund, verification of claim, 15-16-601
        returns, designation on, 15-8-502

ESTATES AND PROBATE PROCEEDINGS (Continued)

Personal representative (Continued)
  termination, Title 72, chapter 3, part 5
  trust company as, 32-1-107, See also banks and trust companies as
  usury, recovery of interest, 31-1-108
  vacation of appointment, effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 13
  veterans, waiver of burial benefits, 10-2-501
Power of attorney, Title 72, chapter 5, part 5
Probate
  appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  discovery, procedure, Title 25, chapter 20, M.R.Civ.P., Rule 1
  fee, 25-1-201, 25-10-301
  formal proceedings, Title 72, chapter 3, part 3
  general provisions, Title 72, chapter 3, part 1; Title 72, chapter 12, part 1
  informal proceedings, Title 72, chapter 3, part 2
  judgment, effect, 26-3-201
  jurisdiction, Title 72, chapter 10, part 1
  notice, Title 72, chapter 10, parts 1 and 2
Property, protection for persons under disability, See **Conservators and conservatorship**
Protective proceedings, See **Conservators and conservatorship**
Public administrator
  acquisition of estate, Title 72, chapter 15, part 1
  administration, Title 72, chapter 15, part 2
  applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 66
  compensation, Title 72, chapter 15, part 3
  criminal investigations, property of deceased released to, 44-3-402
  duties, 7-4-3004
  termination, Title 72, chapter 15, part 3
Public employees' retirement funds, estate as beneficiary when, 19-3-1302
Purposes, Title 72, chapter 1, part 1
Quieting title, heirs of deceased entryman, See **QUIETING TITLE**
Real estate broker provisions, exemption from, 37-51-103
Records required, clerk of court to keep, 3-5-513
Representation, Title 72, chapter 1, part 3
Retirement system beneficiaries and death benefits, See specific retirement system
Sales by personal representative — bulk transfers, exclusion, 30-6-103
Scope of laws, See **Applicability of laws**
Securities
  endorsement, 30-8-308
  exempt transactions, 30-10-105
  transfers, See **SECURITIES AND SECURITIES REGULATION, Fiduciary transfers**
Service of process, Title 25, chapter 20, M.R.Civ.P., Rules 4A, 4B, 4D
Simultaneous death, 72-2-205
Small business corporations, estate as shareholder, See **TAXATION, Estates**
Small estates, Title 72, chapter 3, part 11
Special administrator, Title 72, chapter 3, part 7
Succession
  acquisition of property by, 70-1-110, 70-19-406
  conveyance of property by, 70-1-110, 70-19-406
  future interests in property, passing by, 70-1-326
  things in action, passing by, 70-2-102
Supervised administration, Title 72, chapter 3, part 4
Taxation, See **TAXATION**
Third parties, handling estate property, Title 72, chapter 12, part 6
Transfers, recording certificate provisions inapplicable, 15-7-307
Trust indentures, 71-1-302
Uniform Anatomical Gift Act, Title 72, chapter 17, See **Anatomical gifts**
Uniform Probate Code, Title 72, chapters 1 — 5; Title 72, chapter 16, part 6, See this category generally
Usury, recovery of interest, 31-1-108
Venue
  paternity proceedings, 40-6-109
  recovery, 25-2-103

ESTATES AND PROBATE PROCEEDINGS (Continued)

Wills
  acquisition of property by, 70-1-110, 70-19-406
  actual fraud, 28-2-404, 28-2-405, See **CONTRACTS, Consent**
  addendum, Title 72, chapter 2, part 3
  appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  certificate of probate
    seal of court to be affixed, 3-1-206
  conservation districts, property acquired by devise, 76-15-404
  conservation easements, acquisition by devise, 76-6-204
  construction, Title 72, chapter 2, part 5; Title 72, chapter 11, part 3
    declaratory judgments, 27-8-204
    extrinsic evidence, 28-2-905, 70-20-202
  constructive fraud, 28-2-404, 28-2-406, See **CONTRACTS, Consent**
  contest, Title 72, chapter 12, part 2
  conveyance of property by, 70-1-110, 70-19-406, 70-21-301
  custody, Title 72, chapter 2, part 4
  defined, 1-1-205
  deposit, Title 72, chapter 2, part 4
  duress, 28-2-402, See **CONTRACTS, Consent**
  execution, Title 72, chapter 2, part 3; Title 72, chapter 11, part 2
    medical evidence, 50-16-314
  fee for filing for probate, 25-1-201
  fraud, 28-2-404 — 28-2-406, See **CONTRACTS, Consent**
  fraudulent conveyance, exclusion, 70-20-401
  future interests in property, passing, 70-1-326
  general provisions, Title 72, chapter 2, part 1
  gifts, causa mortis — effect, 70-3-203, 70-3-204
  handwriting analysis, Title 72, chapter 12, part 4
  joint tenancy, creation by, 70-1-307
  lost, Title 72, chapter 12, part 3
  mausoleum-columbarium plot, provisions, 35-21-421
  menace, 28-2-403, See **CONTRACTS, Consent**
  mistake of fact or law, 28-2-409 — 28-2-411, See **CONTRACTS, Consent**
  omissions, Title 72, chapter 2, part 6
  open-space lands acquired by devise, 76-6-106
  operation, Title 72, chapter 2, part 5; Title 72, chapter 11, part 3
  planning boards, acceptance of devises, 76-1-408
  revocation, Title 72, chapter 2, part 3; Title 72, chapter 11, part 2
  state lands, devises and legacies to, 77-1-213
  statute of frauds, applicability, 70-20-102
  undue influence, 28-2-407, See **CONTRACTS, Consent**
Writings of decedent as evidence, 26-1-607

ESTOPPEL

Corporate acts, 35-1-110, 35-2-110
Defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Documents of title, applicability of laws, 30-7-502
Insurers, title — policies issued in violation of provisions, 33-25-103
Landlord and tenant, applicability of laws, 70-24-105
Motor vehicle liability insurance, not constituted by renewal of policy, 33-23-214
Partnerships
  applicability to, 35-10-104
  partner, by, 35-10-308
Presumption, 26-1-601

ETHICS, CODE OF

  See **CODE OF ETHICS**

EVICTION

  See **FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER; LANDLORD AND TENANT; REAL PROPERTY**

EVIDENCE

Abandonment of child as evidence when, 40-6-235, 41-5-503
Abortion, consent, 50-20-106
Absence, postponement of trial, 25-4-501, 25-4-502
Accountants
  continuing education requirements, 37-50-314
  privileges, accountant-client, 37-50-402
Account, when pleading, 25-4-302
Acknowledgments, authentication, Title 26, chapter 10, M.R.Ev., Rule 902
Acquiescence and belief, presumption, 26-1-602
Acupuncturists, licenses
  applications, for, 37-13-302
  denial, suspension, or revocation hearings, 37-13-312
  reinstatement, concerning, 37-13-313
Administrative proceedings
  contested cases, for, 2-4-604, 2-4-612
  hearsay evidence, contested cases, 2-4-604
  judicial review, additional evidence, 2-4-703
Administrative rules
  failure to object to, inadmissibility, 2-4-412
  legislative poll, evidentiary value, 2-4-404, 5-18-110
Admissibility, See also **Excluded evidence**; **Relevance**; specific type of evidence
  authentication, See **Authentication or identification**
  conditional, Title 26, chapter 10, M.R.Ev., Rules 104, 1008
  confessions, Title 26, chapter 10, M.R.Ev., Rule 104
  copies, Title 26, chapter 10, M.R.Ev., Rule 1003
  death penalty, at sentencing hearing, 46-18-302
  duplicate, Title 26, chapter 10, M.R.Ev., Rule 1003
  error, Title 26, chapter 10, M.R.Ev., Rule 103
  hearsay, See **Hearsay**
  inconsistent statements, Title 26, chapter 10, M.R.Ev., Rule 613
  issue of law, 25-7-102, 26-1-201
  limited, Title 26, chapter 10, M.R.Ev., Rule 105
  medical professional standards review committee, proceedings and records, 37-2-201
  preliminary questions, 26-1-201; Title 26, chapter 10, M.R.Ev., Rules 101, 104
  public accountants, board of — records, 37-50-201
  relevance required, Title 26, chapter 10, M.R.Ev., Rules 402, 403
Adoption, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Aeronautics investigations or hearings, reports as evidence when, 67-2-503
Affidavits as evidence, See also **AFFIDAVITS**, generally
  defined, 26-1-1001
  person before whom taken, when made in
    another state, 26-1-1004, 26-1-1006
    foreign country, 26-1-1005
    this state, 26-1-1003
  publisher or printer, affidavit of, 26-1-1011
    filing, 26-1-1012
  uses, 26-1-1002
  verification, 26-1-1006
Affirmation of witness, See **WITNESSES**
Agency
  admissibility of evidence of liability insurance, Title 26, chapter 10, M.R.Ev., Rule 411
  collecting bank, presumption, 30-4-201
Agricultural marketing associations, existence, 35-17-202
Agricultural seeds, certificate of test results, 80-5-111
Air carrier violations, burden of proof on defendant, 67-3-427
Aircraft, previous registration as prima facie evidence, 67-3-202
Alcoholic beverages
  analyst's report, prima facie evidence of contents, 16-6-207
  beer, brewers and wholesalers — evidence of contractual or franchise relationship, 16-3-224
  beverage and packaging, illegal — kept as evidence when confiscated, 16-6-104, 16-6-105
  circumstantial evidence, 16-6-205
  inferences, 16-6-208, 16-6-209

EVIDENCE (Continued)

Alcoholic beverages (Continued)
- liquor excise tax accounting methods, presumption of purchases outside state and sold for consumption within state, 16-1-403
- offenses, parties to, 16-6-310, 16-6-311
- seal, official — lack of, 16-6-106
- violations, evidence of proof, 16-6-206

Ancestry, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Ancient documents, See **Writings and recordings**
Answer, witness required to, 26-2-302, See **Examination of witness**
Appeals
- appendix to briefs, in, Title 25, chapter 21, M.R.App.Civ.P., Rule 25
- criminal proceedings, 46-20-302, 46-20-304, See also **APPEALS, CRIMINAL**
- form, Title 25, chapter 21, M.R.App.Civ.P., Rule 27
- physical exhibits not documents, use, Title 25, chapter 21, M.R.App.Civ.P., Rule 29
- record on appeal, See **APPEALS, CIVIL**
- statement of evidence, 46-20-304; Title 25, chapter 21, M.R.App.Civ.P., Rule 9
- supreme court to review questions of fact on evidence when, 3-2-204
- transmission, Title 25, chapter 21, M.R.App.Civ.P., Rule 10
- writings to refresh memory of witness, Title 26, chapter 10, M.R.Ev., Rule 612

Applicability of laws
- affidavits, use, 26-1-1002
- authentication of evidence, Title 26, chapter 10, M.R.Ev., Rules 901, 903
- conclusive evidence, 26-1-102
- criminal proceedings, 46-16-201, 46-18-302
- death penalty, 46-18-302
- federal law, Title 26, chapter 10, M.R.Ev., Rule 302
- privileges, Title 26, chapter 10, M.R.Ev., Rule 501
- relevance, Title 26, chapter 10, M.R.Ev., Rule 402
- rules of evidence, Title 26, chapter 10, M.R.Ev., Rule 101
- unanswerable evidence, 26-1-102
- writings, recordings, photographs — requirement for original, Title 26, chapter 10, M.R.Ev., Rule 1002

Arbitration, presumption of deliberations on all matters, 26-1-602
Architects
- continuing education requirements, of, 37-65-306
- register of applicants for certification, prima facie evidence of contents, 37-65-201

Arrest of witnesses, See **WITNESSES**
Assault, presumption of purpose, 45-5-201
Assumed business name, documents of secretary of state, 30-13-216
Attachment proceedings, 27-18-712
Attendance of witnesses, See **WITNESSES**
Attorney-client privilege, See **Privileges**
Attorneys at law
- alien attorneys, 37-61-208
- conviction of felony or misdemeanor, record of as conclusive evidence, 37-61-301
- nonresidents, evidence of qualifications, 37-61-208
- university of Montana law school, evidence of completion of course, 37-61-204

Authentication or identification
- applicability of laws, Title 26, chapter 10, M.R.Ev., Rules 901, 903
- illustrations, Title 26, chapter 10, M.R.Ev., Rule 901
- military officer, by, 1-5-105
- official records, Title 25, chapter 20, M.R.Civ.P., Rule 44; Title 26, chapter 10, M.R.Ev., Rule 902
- satisfaction, Title 26, chapter 10, M.R.Ev., Rule 901
- self-authentication, Title 26, chapter 10, M.R.Ev., Rule 902
- subscribing witness, testimony unnecessary, Title 26, chapter 10, M.R.Ev., Rule 903

Bad checks, issuing — prima facie evidence of knowledge, 45-6-316
Banks and trust companies
- capital stock, sale — regularity of proceedings, 32-1-506
- collecting bank, presumption of agency status, 30-4-201
- corporate existence, 32-1-305
- directors, negligence by, 32-1-468

EVIDENCE (Continued)

Banks and trust companies (Continued)
  electronic funds transfer records, 32-6-301
  liquidation, creditors' claims — service of notice of rejection, lower priority, 32-1-532
  records, See also **BANKS AND TRUST COMPANIES, Records**
    admissibility, 32-1-492, 32-1-493, 32-6-301
    electronic funds transfers, 32-6-301
    reproduction, 32-1-492, 32-1-494
Baptismal certificates, Title 26, chapter 10, M.R.Ev., Rule 803
Bean storage
  dealer records, inspection certificates, and reports, 80-3-512
  license applicants, qualifications, 80-3-504
Benevolent association licenses, certified copies as prima facie evidence, 33-6-401
Best evidence, 1-3-226
Bias or prejudice of witness, Title 26, chapter 10, M.R.Ev., Rules 408, 411
Birth
  abortion, consent, 50-20-106
  certificates, 50-15-109, 50-15-204
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
  judicial determination
    hearing, 27-32-203
    judgment, 27-32-301
  legitimacy, See **Minors**
Boats, negligent operation — presumption of owner's consent and knowledge, 23-2-505
Books, See also **Writings and recordings**
  decisions of tribunals, correctness presumed, 26-1-602
  law, correctness presumed, 26-1-603
  official, correctness presumed, 26-1-605
  printing by public authority, 26-1-602
Boundaries
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
  land and mining claims in national forests, proper marking, 81-4-219
Bounty claimants
  certification or claims, for, 81-7-117
  killing animal, of, 81-7-111, 81-7-113
Broadcasting stations, privilege, See **Privileges**, media
Building and loan associations
  agent, presumption of consent, 32-2-222
  articles of incorporation, certified copy evidence of facts therein, 32-2-202
  conversion, meeting on, 32-2-441
  corporate existence, 32-2-203
  directors, board of — negligence by, 32-2-304
  electronic funds transfer records, 32-6-301
  federal savings and loan association, conversion to — minutes evidence of meeting taking action, 32-2-441
Building code variance, 50-60-206
Burdens of proof
  administrative rules, validity or application, 2-4-506
  affirmative allegations, 26-1-402
  air carrier violations, on defendant, 67-3-427
  bailable offenses, presumption of guilt, 46-9-102
  bank deposits and collections
    seasonable action, 30-4-202
    stop payment orders, loss resulting from payment contrary to, 30-4-403
  beer brewers, wholesaler classifications, 16-3-221
  carriers confiscating fuel, proof of necessity for preservation of life or property, 69-11-108
  coal, market value, 15-35-107
  commercial paper
    incomplete instruments, unauthorized completion, 30-3-115
    signatures, defenses, and due course, 30-3-307
  confession, suppression, 46-13-301
  contracts, lack of consideration, 28-2-805
  defined, 30-1-201

EVIDENCE (Continued)

Burdens of proof (Continued)
- discriminatory practices, petitioners for exemption from, 49-2-401
- exclusionary rule, 46-13-301, 46-13-302
- facility siting applicants
  - amendments to certificates, 75-20-219
  - certification proceedings, granting of application, 75-20-222
- gasoline and petroleum products, price discrimination, 82-15-203
- homicide, burden of the state, 46-16-203
- instructions to the jury, 26-1-403
- insurer's liquidation proceedings, person asserting validity of transfer, 33-2-1352
- jury selection improper, 46-16-302
- mental disease or defect of defendant, for release, 46-14-301, 46-14-302
- mines and mining, metal mines taxation — imputed value, 15-23-805
- mines and mining, strip or underground operation
  - permit renewal
    - compliance, 82-4-227
    - opposition, 82-4-221
  - water supply damage, 82-4-253
- motor carriers, disproving status as, 69-12-106
- motor vehicle franchises
  - sale by change of ownership, burden on franchisor to prove good cause for withholding consent to, 61-4-205
  - termination or discontinuance
    - burden on franchisor to establish good cause for, 61-4-206
    - hearings, evidence for, 61-4-206
- negative allegations, 26-1-402
- order of trial based on, 25-7-301
- payments, need to accelerate, 30-1-208
- performance, need to accelerate, 30-1-208
- persuasion, burden of, 26-1-402, 26-1-403
- physicians' license applications, on applicant to prove qualifications, 37-3-309
- presumptions, See **Presumptions**
- property damage by tenant, 70-25-204
- public service commission orders challenged, party attacking or resisting, 69-3-402
- railroads
  - confiscating fuel, proof of necessity for preservation of life or property, 69-11-108
  - rates, rules, or orders — enforcement, on defendant to prove unjust and unreasonable, 69-14-134
- sales, breach after acceptance, 30-2-607
- search and seizure, illegality, 46-13-302
- securities
  - exempt transactions, 30-10-106
  - signature, effectiveness, 30-8-105
- special fuels
  - assessment, correctness, 15-70-332
  - deliveries, 15-70-324
- state land lease cancellation, on lessee, 77-6-211
- subdividers and persons connected with, liability for material facts, 76-4-1248
- theft, possession of stolen property, 45-6-304
- unfair competition, 30-14-208
- water well contractors, complaints against — on complainant, 37-43-311
- who has, 26-1-401
- writings, alteration, 26-1-106

Business, See also headings for specific types or aspects of business
- duplicates or copies of entries in regular course of business, admissibility, Title 26, chapter 10, M.R.Ev., Rule 1003
- hearsay exception, records of business regularly conducted, Title 26, chapter 10, M.R.Ev., Rule 803
- inference, course of business, 26-1-502
- presumption, course of business, 26-1-602
- process or system, authentication, Title 26, chapter 10, M.R.Ev., Rule 901

EVIDENCE (Continued)

Business (Continued)
  routine practice, Title 26, chapter 10, M.R.Ev., Rule 406
  usage of trade, 30-1-205
Carriers — nonpayment of fee, statements not filed, or lack of information — prima facie evidence of, 69-2-205
Cemeteries
  dedication of property, presumption, 26-1-602
  inscriptions, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Cesspool, septic tank, and privy cleaner license applicants — requirement for validation signature, 37-41-204
Character evidence
  accused, Title 26, chapter 10, M.R.Ev., Rule 404
  conduct
    character inadmissible to prove conduct, Title 26, chapter 10, M.R.Ev., Rule 404
    character proved by conduct, Title 26, chapter 10, M.R.Ev., Rules 405, 608
  hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  issue, when, Title 26, chapter 10, M.R.Ev., Rule 404
  proof, Title 26, chapter 10, M.R.Ev., Rule 405
  victim, Title 26, chapter 10, M.R.Ev., Rule 404
  witness
    admissibility generally, Title 26, chapter 10, M.R.Ev., Rule 404
    degradation by answer not required, 26-2-302
    opinion, Title 26, chapter 10, M.R.Ev., Rule 608
    reputation, Title 26, chapter 10, M.R.Ev., Rule 608
    truthfulness presumed, how controverted, 26-1-302; Title 26, chapter 10, M.R.Ev., Rule 608
Child abuse
  criminal charges, 45-5-622
  financial status of parents or guardians, 41-3-407
  records and proceedings admissible when, 41-3-204, 41-3-404
Child custody hearings
  investigatory reports as evidence for, 40-4-215
  rules of, not applicable when, 40-5-124
Child support proceedings
  adduced by deposition when, 40-5-121
  obligor, presumption of presence in responding state, 40-5-108
  revenue, department of — production by, 40-5-202
  rules governing, 40-5-124
Chiropractors
  charges or complaints, concerning, 37-12-322
  conviction of offenses, copy of judgment as conclusive evidence, 37-12-321
  licenses
    applications, evidence of character and reputation, 37-12-302
    reinstatement, concerning, 37-12-322
    renewal, of continuing education requirements, 37-12-307
Cigarettes
  cost surveys, 16-10-303
  intent, 16-10-301
  presumptions
    cost of doing business by retailer or wholesaler, 16-10-103
    discounts allowed upon purchase by wholesaler, 16-10-103
    insignia, lack of — violation of provisions, 16-11-113
    taxes, as direct tax on consumer, 16-11-112, 16-11-202
  unlawful sales below cost, 16-10-301
Circumstantial evidence, See **Indirect evidence**; **Inferences**; **Presumptions**
Clergy, privileges, See **Privileges**
Commercial fertilizer composition, official analysis as, 80-10-303
Commercial paper, See also **COMMERCIAL PAPER**, **Presumptions**
  accommodation party, 30-3-415
  authentication, Title 26, chapter 10, M.R.Ev., Rule 902
  consideration, presumption, 26-1-602
  date, presumption of correctness, 30-3-114

EVIDENCE (Continued)

Commercial paper (Continued)
  defenses, 30-3-307
  demand instrument, presumed overdue, 30-3-304
  dishonor, 30-3-510
  due course, 30-3-307
  endorsement
    order, presumption, 30-3-414
    time and place, presumption, 26-1-602
  incomplete instruments, 30-3-115
  liability presumed as amount of instrument, 30-3-419
  notice of dishonor, 30-3-510
  presentment, presumption of time, 30-3-503
  signatures
    authentication, Title 26, chapter 10, M.R.Ev., Rule 902
    genuineness and authorization, 30-3-307
    guaranty, presumption created by, 30-3-416
    representative, authority, 30-3-403
  transferee as owner, presumption, 30-3-201
Communications
  privacy, violation, 45-8-213
  privileged, See **Privileges**
Competence of witness, See **WITNESSES**
Compromise or offers to compromise, admissibility of evidence, Title 25, chapter 20, M.R.Civ.P., Rule 68; Title 26, chapter 10, M.R.Ev., Rule 408
  justice's court, 25-31-116
  municipal courts, 25-30-101
  voluntary payments, 26-1-703, 26-1-705
Conclusive evidence
  defined, 26-1-102
  effect, 26-1-203
  judicial notice, Title 26, chapter 10, M.R.Ev., Rule 201
Conclusive presumptions, See **Presumptions**
Conduct, evidence on
  character
    character evidence inadmissible to prove conduct, Title 26, chapter 10, M.R.Ev., Rule 404
    conduct proves character, Title 26, chapter 10, M.R.Ev., Rules 405, 608
  compromise negotiations, inadmissible when from, Title 26, chapter 10, M.R.Ev., Rule 408
  habit, Title 26, chapter 10, M.R.Ev., Rule 406
  hearsay statement, as, Title 26, chapter 10, M.R.Ev., Rule 801
    inconsistency with, Title 26, chapter 10, M.R.Ev., Rule 806
  remedial measures, subsequent, Title 26, chapter 10, M.R.Ev., Rule 407
  routine practice, Title 26, chapter 10, M.R.Ev., Rule 406
  witness, of, Title 26, chapter 10, M.R.Ev., Rule 608
Confessions
  admissibility, hearings out of hearing of jury, 46-13-301; Title 26, chapter 10, M.R.Ev., Rule 104
  homicide, to, 46-16-203
  production, motion to produce, 46-15-303
  suppression, motion to suppress, 46-13-301
  treason, to, 46-16-202
Confidential communications, See **Privileges**
Conflicting evidence, See **Inconsistent statements**
Confrontation, See **RIGHTS**
Conservation districts
  certificate of organization as, 76-15-214
  land use regulations, enforcement proceedings, 76-15-710
  variances, appeal proceedings, 76-15-727
Consideration
  commercial paper, presumption, 26-1-602
  written instrument, presumption, 26-1-601, 26-1-602, 28-2-804
Contemporaneity, preference for, 1-3-226

EVIDENCE (Continued)

Contractors, public — prima facie evidence of residency, 18-1-106
Contracts
  consideration, 26-1-601, 26-1-602, 28-2-804, 28-2-805
  continuing contract, 27-2-409
  damages, actual amount presumed when contract fixes, 28-2-721
  joint and several, presumption, 28-3-703
  new contract, 27-2-409
  parol, 1-4-102, 28-2-905, 28-3-402, 70-20-202
    sales contracts, 30-2-202, 30-2-316, 30-2-326
  personal services, measure of compensation presumed, 28-2-722
  revision, presumption of equitable agreement, 28-2-1612
  uncertainty, presumption of party causing, 28-3-206
  witnessing of making, 26-1-102
  writings, 28-2-903
Contradictory evidence, See **Inconsistent statements**
Conviction, criminal, See **Criminal convictions**
Cooperative association, existence, 35-15-204
Copies, See **Writings and recordings**
Corporate existence
  agricultural marketing associations, 35-17-202
  banks and trust companies, 32-1-305
  building and loan associations, 32-2-203
  business corporations, 35-1-204
  cooperative association, 35-15-204
  investment companies, 32-1-305
  nonprofit corporations, 35-2-204, 35-3-203
  religious corporations, 35-3-203
  savings and loan associations, 32-2-203
  savings banks, 32-1-305
  trust companies, 32-1-305
Corporations
  assessment of stock, notice of delinquency sale, 35-1-604
  dissent, claim for payment of shares, 35-1-812
  existence, 35-1-204, 35-2-204, 35-3-203
  fictitious name, 35-11-202
  nonprofit corporations, 35-2-204, 35-2-1105, 35-3-203
  religious corporations, 35-3-203
  reviver, 15-31-524
  secretary of state, documents filed with, 35-1-1306, 35-2-1105
  shares, restrictions on transfer presumed reasonable when, 35-1-617
  suspension, forfeiture, or dissolution for tax delinquencies, 15-31-523
  taxes, See **Taxation**, corporate taxes
Corpses, disturbing, 44-3-404
Corroborative evidence, 26-1-102
Cosmetics
  additives, unsafe, 50-31-109
  false advertising, 50-31-107
County zoning board of adjustment appeal hearings, for, 76-2-227
Course of business, See **Business**
Course of nature
  inference from, 26-1-502
  presumptions from, 26-1-602
Court, powers respecting
  admissibility
    conditional, determination, Title 26, chapter 10, M.R.Ev., Rules 104, 1008
    conduct, determination, Title 26, chapter 10, M.R.Ev., Rule 608
    limited, instructions to jury, Title 26, chapter 10, M.R.Ev., Rule 105
    preliminary determination, Title 26, chapter 10, M.R.Ev., Rules 101, 104
    writings to refresh memory, Title 26, chapter 10, M.R.Ev., Rule 612
  arrest of witness
    discharge for testimony, 26-2-405
    issuance of warrant, 26-2-106

EVIDENCE (Continued)

Court, powers respecting (Continued)
  concealed witnesses, subpoena of, 26-2-103
  cross-examination, control, Title 26, chapter 10, M.R.Ev., Rule 611
  decisions, correctness of published reports presumed, 26-1-602
  examination of witnesses
    by court, Title 26, chapter 10, M.R.Ev., Rule 614
    control, Title 26, chapter 10, M.R.Ev., Rule 611
    order, direction, 26-1-101
  exclusion of witnesses, Title 26, chapter 10, M.R.Ev., Rule 615
  expert testimony, disclosure of underlying data or facts, Title 26, chapter 10, M.R.Ev., Rule 705
  informant, powers when identity undisclosed, Title 26, chapter 10, M.R.Ev., Rule 502
  issues of law, decisions, 26-1-201
  judicial notice, See **Judicial notice**
  jurisdiction, presumption of lawful exercise, 26-1-602
  jury, control, 26-1-203
  leading questions, allowance, 26-1-101
  presumptions, application when inconsistent, Title 26, chapter 10, M.R.Ev., Rule 301
  prisoner, order to secure testimony, 26-2-201
  privilege, comment improper, Title 26, chapter 10, M.R.Ev., Rule 505
  publisher's affidavit — filing with, certification by, 26-1-1012
  questions of law, decisions, 26-1-201
  reexamination, control, Title 26, chapter 10, M.R.Ev., Rule 611
  rules of evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
  rulings by, Title 26, chapter 10, M.R.Ev., Rule 103
Court reporter, transcript of proceedings to be evidence of facts therein, 3-5-612, 3-10-502; Title 25, chapter 20, M.R.Civ.P., Rule 80
Credibility of witness
  accomplices, 26-1-303, 46-16-213
  attack, Title 26, chapter 10, M.R.Ev., Rules 607, 608, 806
  character evidence on, Title 26, chapter 10, M.R.Ev., Rule 608
  competence of witness, dependent on, Title 26, chapter 10, M.R.Ev., Rule 601
  conduct, evidence on, Title 26, chapter 10, M.R.Ev., Rule 608
  criminal conviction, effect, Title 26, chapter 10, M.R.Ev., Rule 609
  cross-examination, Title 26, chapter 10, M.R.Ev., Rules 608, 611
  hearsay declarant, Title 26, chapter 10, M.R.Ev., Rule 806
  impeachment, Title 26, chapter 10, M.R.Ev., Rules 607, 608, 806
  jury exclusive judge, 26-1-302
    instructions to the jury, 26-1-303
  oath, See **WITNESSES, Oaths**
  presumption, 26-1-302
  relevance, Title 26, chapter 10, M.R.Ev., Rule 401
  religious belief, effect, Title 26, chapter 10, M.R.Ev., Rule 610
  self-incrimination, testimony on credibility not waiver of privilege, Title 26, chapter 10, M.R.Ev., Rule 608
Credit of third person, writing required, 28-2-903
Credit union records
  electronic funds transfers, 32-6-301
  reproductions, 32-3-204
Criminal, See also specific offense
  accomplices, testimony of, 26-1-303, 46-11-405, 46-16-213
  appeals, See **APPEALS, CRIMINAL**
  appearance of defendant at trial, 46-16-108
  applicability of laws, 46-16-201
  attempt, proof of completed offense not a bar to conviction, 45-4-103
  bail based on presumption of guilt, 46-9-102
  burden of proof, 26-1-403, See **Burdens of proof**
  character evidence of
    accused, Title 26, chapter 10, M.R.Ev., Rules 404, 405
    victim, Title 26, chapter 10, M.R.Ev., Rules 404, 405
  codefendant, testimony of, 26-1-303, 46-11-405, 46-16-213
  conduct of accused, Title 26, chapter 10, M.R.Ev., Rule 405

EVIDENCE (Continued)

Criminal (Continued)
  confessions, See **Confessions**
  death penalty, at sentencing hearing, 46-18-302, 46-18-310
  death, presumption of occurrence within state, 46-2-101
  discovery, See **CRIMINAL PROCEDURE**
  exclusionary rule, 46-13-301, 46-13-302
  execution, immunity when obtained in proceedings in aid of, 25-14-106
  extradition, evidence of transportation for, 46-30-226
  grand jury, before, 46-11-312, 46-11-314
  guilty plea or withdrawal, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
  habeas corpus, hearing, 46-22-305
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 804
  informant, effect when identity undisclosed, Title 26, chapter 10, M.R.Ev., Rule 502
  information, supporting evidence, 46-11-201
  initial appearance, admissibility of statements made at, 46-7-102
  innocence, presumption, 26-1-602, 46-16-601
  intent, presumption, 26-1-601, 26-1-602
  investigative subpoenas, See **SUBPOENAS**
  judicial notice, effect, Title 26, chapter 10, M.R.Ev., Rule 201
  jury, See **Jury**
  mental disease or defect of defendant, See **Mental disease or defect of defendant**
  mental state, inference, 45-2-103
  nolo contendere, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
  obstruction of investigation or prosecution, admissibility of evidence on compromise, Title 26, chapter 10, M.R.Ev., Rule 408
  order of presenting, 46-16-401, 46-16-402
  parole
    evaluation for, 46-18-404
    interstate supervision, hearings, 46-23-1105
  persistent felony offenders, hearings on, 46-18-503
  preliminary examination, presentation at, 46-10-202
  presentence investigation, 46-18-112
  probation — interstate supervision, hearings, 46-23-1105
  production compelled, 46-15-311
  reasonable doubt, instructions to jury, 26-1-403, 46-16-602
  review of judgment, consideration, 46-18-904
  search and seizure, See **Search and seizure**
  sexual offenses, See **Sexual offenses**
  spousal privileges, See **Privileges**
  state's witness, 46-11-405
  suppression of evidence, See **Suppression**
  variance between pleading and proof, 46-16-605
  videotaped testimony, See **Sexual offenses**
  witnesses
    accomplices, testimony of, 26-1-303, 46-11-405, 46-16-213
    detention to secure testimony, 46-11-601
    offenses involving, See **WITNESSES, Offenses involving**
    out-of-state witnesses, certificate on summons, 46-15-112, 46-15-113
    state's witness, 46-11-405
  writing to refresh memory, noncompliance with order to produce, Title 26, chapter 10, M.R.Ev., Rule 612

Criminal convictions
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
  witness' answer respecting, 26-2-302; Title 26, chapter 10, M.R.Ev., Rule 609

Cross-examination of witness, See also **Examination of witness**
  character evidence, Title 26, chapter 10, M.R.Ev., Rules 405, 608
  commencement, 26-1-101
  conduct, on, Title 26, chapter 10, M.R.Ev., Rule 608
  court, witnesses called by, Title 26, chapter 10, M.R.Ev., Rule 614
  defined, 26-1-101
  depositions, on, Title 25, chapter 20, M.R.Civ.P., Rules 27(a), 30(c)
  effect, Title 26, chapter 10, M.R.Ev., Rule 611

EVIDENCE (Continued)

Cross-examination of witness (Continued)
- expert witness, facts or data underlying testimony, Title 26, chapter 10, M.R.Ev., Rules 705, 803
- hearsay, effect, Title 26, chapter 10, M.R.Ev., Rules 801, 803, 804, 806
- leading questions, 26-1-101; Title 26, chapter 10, M.R.Ev., Rule 611
- oil and gas conservation, board of — may be disallowed in determinations, 82-11-115
- partial introduction, effect, Title 26, chapter 10, M.R.Ev., Rule 106
- preliminary examination, at, 46-10-202
- preliminary testimony of accused, not subject to, Title 26, chapter 10, M.R.Ev., Rule 104
- presentence investigation, 46-18-113
- right to cross-examine, See **RIGHTS**
- scope, Title 25, chapter 20, M.R.Civ.P., Rule 43(b); Title 26, chapter 10, M.R.Ev., Rule 611
- writings to refresh memory of witness, on, Title 26, chapter 10, M.R.Ev., Rule 612

"Cumulative evidence" defined, 26-1-102
Custody, See **Child custody hearings**
Dairy products, manufactured
- manufacturing plants — approval for disposal of wastewater, sewage, and air pollutants, 81-22-403
- rules, new or amended — evidence regarding, 81-22-103
- tests, official — results as, 81-22-301
- use of inspections, tests, and samples as, 81-22-107

Damages, presumption of actual amount when contract fixes, 28-2-721
Date, presumption of correctness, 26-1-602
- commercial paper, 30-3-114

Death
- certificates, 50-15-109
- dying declarations, Title 26, chapter 10, M.R.Ev., Rule 804
- hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
- investigations, altering or disturbing evidence unlawful, 44-3-404
- presumption of, 26-1-602, 26-1-621 — 26-1-623, 72-1-108
  - occurrence within state, 46-2-101
- witnesses, of, See **WITNESSES**
- writings of decedent, prima facie evidence, 26-1-607

Debts
- presumption created by payment, 26-1-602
- state, owed to, 17-4-103

Declarations, See **Writings and recordings**
Deeds, See **DEEDS AND CONVEYANCES**
Defamation, criminal — proof required, 45-8-212
Defect, See **Error**
Definitions
- affidavit, 26-1-1001
- business, Title 26, chapter 10, M.R.Ev., Rule 803
- conclusive evidence, 26-1-102
- copies of entries in the regular course of business, Title 26, chapter 10, M.R.Ev., Rule 1001
- cross-examination, 26-1-101
- cumulative evidence, 26-1-102
- declarant, Title 26, chapter 10, M.R.Ev., Rule 801
- direct evidence, 26-1-102
- direct examination, 26-1-101
- disputable presumptions, 26-1-602
- duplicate, Title 26, chapter 10, M.R.Ev., Rule 1001
- habit, Title 26, chapter 10, M.R.Ev., Rule 406
- hearsay, Title 26, chapter 10, M.R.Ev., Rule 801
- indirect evidence, 26-1-102
- inference, 26-1-501
- judicial evidence, 26-1-101
- leading question, 26-1-101
- oral examination, 1-1-202
- original, Title 26, chapter 10, M.R.Ev., Rule 1001
- person, 26-1-702
- photographs, Title 26, chapter 10, M.R.Ev., Rule 1001

EVIDENCE (Continued)

Definitions (Continued)
  presumption, Title 26, chapter 10, M.R.Ev., Rule 301
  prima facie evidence, 26-1-102
  proof, 26-1-101
  relevant evidence, Title 26, chapter 10, M.R.Ev., Rule 401
  routine practice, Title 26, chapter 10, M.R.Ev., Rule 406
  statement, Title 26, chapter 10, M.R.Ev., Rule 801
  statements which are not hearsay, Title 26, chapter 10, M.R.Ev., Rule 801
  subpoena, 26-2-101
  suggestive question, 26-1-101
  testify, 1-1-202
  unanswerable evidence, 26-1-102
  unavailability as a witness, Title 26, chapter 10, M.R.Ev., Rule 804
  uniform commercial code definitions, 30-1-201
  witness, 26-1-101
  writings and recordings, 1-1-203; Title 26, chapter 10, M.R.Ev., Rule 1001
Delinquent accounts owed to state, 17-4-103
Dentistry, Board of — hearings, investigations, or proceedings, 37-4-324
Dentists
  affidavits, nonapplicability when, 37-4-326
  diplomas, unlawful procurement to use as evidence of qualification to practice, 37-4-326
  disciplinary actions, investigations — evidence for, 37-4-323, 37-4-324
  license examinations, evidence of thoroughness, 37-4-301
  practicing dentistry, prima facie evidence of, 37-4-102
Depositions, See **DEPOSITIONS**
Detention of witness, See **WITNESSES**
Directed verdict, effect, Title 25, chapter 20, M.R.Civ.P., Rule 50(a)
"Direct evidence" defined, 26-1-102
Direct examination, See **Examination of witness**
Disability retirement claims, concerning, 19-3-1003, 19-9-901
Discovery, procedure, See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**
Disputable presumptions, See **Presumptions**
Disqualification of witness, See **WITNESSES, Competence**
Dissolution of marriage
  certificates, 50-15-109
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
District court, reporter's transcript to be prima facie evidence, 3-5-612
Doctor-patient privilege, See **Privileges**
Documents, See **Writings and recordings**
Drivers' licenses
  lost or destroyed, evidence of, 61-5-114
  minors' applications, death of person signing, 61-5-202
  probationary, for issuance, 61-5-206
  restricted, evidence of violation of restrictions imposed in, 61-5-113
  suspension, evidence for, 61-5-206
Driving while under the influence of alcohol or drugs
  admissibility, 61-8-404
  blood alcohol tests, presumptions from, 61-8-401
Drug companies, prima facie evidence of medical practitioners' acquisition for investment or for prescribing company's drugs, 37-2-102
Drugs and controlled substances and devices
  additives, unsafe, 50-31-109
  antiseptics, 50-31-302
  criminal possession, presumption of sentence when offender 21 years of age or less, 45-9-102
  false advertising, 50-31-107
  germicides, 50-31-302
  paraphernalia, 45-10-102
  research subjects, identity privileged, 50-32-106
Duplicates, See **Writings and recordings**
Dying declarations, Title 26, chapter 10, M.R.Ev., Rule 804
Effect, See **Weight and sufficiency of evidence**

EVIDENCE (Continued)

Elections
  ballot issues, certification of petition signatures, 13-27-307
  certificate of nomination, 13-36-104
  contest, production, 13-36-208
  counting votes, incorrectness, 13-16-303
  declaration of nomination, 13-10-201
  nomination, 13-36-104
  precinct register, 13-2-601
  primary candidacy, 13-10-201
  registration, 13-2-601
  residence of elector, 13-1-112
  right to vote, 13-2-601
Electricians, qualification for licensing, 37-68-304 — 37-68-306
Electrologists, qualifications for licensing, 37-32-302
Electronic funds transfer
  authorization of transaction, presumption, 32-6-303
  records, 32-6-301
Emotional condition of hearsay declarant, Title 26, chapter 10, M.R.Ev., Rule 803
Endangering the welfare of children, 45-5-622
Engineers and land surveyors
  certificate of registration
    as prima facie evidence, 37-67-314
    false or forged evidence in obtaining, 37-67-332
  practice, qualifications to, 37-67-301, 37-67-306, 37-67-307, 37-67-309 — 37-67-311
Error, Title 25, chapter 20, M.R.Civ.P., Rule 61; Title 26, chapter 10, M.R.Ev., Rule 103
Estates — distribution, negligence not inferred, 72-3-916
Estoppel, presumption, 26-1-601
Evaluation, See **Court**; **Jury**; **Weight and sufficiency of evidence**
Examination of witness, See also **Cross-examination of witness**
  affidavit to obtain, 26-1-1002
  answer required, 26-2-302
  court
    by, Title 26, chapter 10, M.R.Ev., Rule 614
    control of, Title 26, chapter 10, M.R.Ev., Rule 611
  criminal proceedings
    complaint, upon, 46-6-201
    preliminary examination, at, 46-10-202
  "direct examination" defined, 26-1-101
  expert witnesses, See **Expert testimony**
  harassment, See **WITNESSES**, **Protection**
  hostile witnesses, Title 25, chapter 20, M.R.Civ.P., Rule 43(b); Title 26, chapter 10, M.R.Ev., Rule 611
  leading questions
    defined, 26-1-101
    hostile witnesses, to, Title 25, chapter 20, M.R.Civ.P., Rule 43(b); Title 26, chapter 10, M.R.Ev., Rule 611
    prohibited when, 26-1-101; Title 26, chapter 10, M.R.Ev., Rule 611
  limitation, 26-2-401
  memory, aids to, Title 26, chapter 10, M.R.Ev., Rules 612, 803
  objection, Title 25, chapter 20, M.R.Civ.P., Rule 43(c)
  "oral examination" defined, 1-1-202
  order, Title 26, chapter 10, M.R.Ev., Rule 611
  prior statements, Title 26, chapter 10, M.R.Ev., Rule 613
  privacy when, 3-1-313; Title 26, chapter 10, M.R.Ev., Rule 615
  privilege, See **Privileges**
  recall, Title 26, chapter 10, M.R.Ev., Rule 611
  reexamination, Title 26, chapter 10, M.R.Ev., Rule 611
  right to examine, Title 25, chapter 20, M.R.Civ.P., Rule 43(b); Title 26, chapter 10, M.R.Ev., Rule 611
  scope, 26-2-401; Title 25, chapter 20, M.R.Civ.P., Rule 43(b)
  "testify" defined, 1-1-202
  writings to refresh memory, Title 26, chapter 10, M.R.Ev., Rules 612, 803

EVIDENCE (Continued)

Excited utterance, 26-1-103; Title 26, chapter 10, M.R.Ev., Rule 803
Excluded evidence, See also specific type of evidence; **Admissibility**
  error, Title 25, chapter 20, M.R.Civ.P., Rule 61; Title 26, chapter 10, M.R.Ev., Rule 103
  hearsay, See **Hearsay**
  offer of proof, Title 26, chapter 10, M.R.Ev., Rule 103
  record, Title 25, chapter 20, M.R.Civ.P., Rule 43(c)
  relevant evidence, grounds, Title 26, chapter 10, M.R.Ev., Rule 403
  ruling, Title 26, chapter 10, M.R.Ev., Rule 103
  witnesses, See **WITNESSES**
Exclusionary rule, 46-13-301, 46-13-302
Execution book, 25-13-405
Execution, immunity when obtained in proceedings in aid of, 25-14-106
Existence of thing, presumption, 26-1-602
Expert testimony
  authentication of evidence by comparison, Title 26, chapter 10, M.R.Ev., Rule 901
  basis of testimony
    admissibility, Title 26, chapter 10, M.R.Ev., Rule 703
    disclosure, Title 26, chapter 10, M.R.Ev., Rule 705
  comparison, authentication by, Title 26, chapter 10, M.R.Ev., Rule 901
  discovery, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
  fees, 26-2-505
  grand jury, before, 46-11-312
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
  identification for trial, Title 25, chapter 20, M.R.Civ.P., Rule 26(e)
  inquest, at, 46-4-203
  interpreters, applicability of laws, Title 26, chapter 10, M.R.Ev., Rule 604
  limitation, Title 25, chapter 20, M.R.Civ.P., Rule 16
  mental disease or defect of defendant, on, 46-14-213
  opinion testimony, Title 26, chapter 10, M.R.Ev., Rules 602, 703
  permitted, Title 26, chapter 10, M.R.Ev., Rule 702
  qualifications, Title 26, chapter 10, M.R.Ev., Rule 702
  ultimate issue, opinion on, Title 26, chapter 10, M.R.Ev., Rule 704
Explosives, possession as presumption of intent, 45-8-337
Extrinsic evidence, See **Parol**
Facility siting
  amendments to certificates, 75-20-219
  certification proceedings, 75-20-220, 75-20-222
False swearing, 45-7-202
Family records and history, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
Farm products, Montana — evidence of consideration for sale, 80-3-106
Federal Missing Persons Act, 26-1-621 — 26-1-623
Fees, witness, See **WITNESSES, Compensation**
Fictitious names, presumption created by register, 35-11-202
Findings of the court, sufficiency of evidence, Title 25, chapter 20, M.R.Civ.P., Rule 52(b)
Firewardens, obtaining for forest law violations, 77-5-105
Fish and wildlife
  fishing
    implements, unlawful — possession as evidence, 87-3-112
    nets or seines, evidence of possession, 87-3-205
  fur-bearing animals, brand, 70-2-113
  possession for commercial purposes, 87-4-703, 87-4-704
  unlawfully killed animals or fish, possession as, 87-3-112
Floodplain or floodway obstructions, presumption of cause of flooding, 76-5-109
Food
  additives, unsafe, 50-31-109
  adulteration, 50-31-202
  contamination, 50-50-304
  false advertising, 50-31-107
  misbranded, 50-31-203
Foreign documents, authentication, Title 26, chapter 10, M.R.Ev., Rule 902
Foreign laws, 26-1-603; Title 25, chapter 20, M.R.Civ.P., Rule 44.1; Title 26, chapter 10, M.R.Ev., Rule 202

EVIDENCE (Continued)

Forest law violations, pertaining to, 77-5-105
Former offenders, licensure — evidence of rehabilitation, 37-1-205
Former testimony, See **Prior statements**
Fraternal benefit societies
  certificate of compliance, prima facie evidence of existence, 33-7-205
  constitution or laws, copies as prima facie evidence of adoption, 33-7-302
  documents as evidence of terms and conditions, 33-7-513
  foreign or alien societies, for withdrawal of license suspension or refusal, 33-7-503
  license, certified copy or duplicate as prima facie evidence, 33-7-501
  members, evidence of insurability, 33-7-204, 33-7-504, 33-7-505, 33-7-514
  officer's affidavit as prima facie evidence of mailing notices or documents, 33-7-211 33-7-302
  service of process, certified copy of attorney's appointment, 33-7-114
Fraudulent conveyances, presumption, 31-2-315
Fruit
  crates or boxes, infected or unlawfully used — possession as evidence of violation, 80-7-201
  infected, evidence of, 80-7-204
Full faith and credit, See **Judicial records**; **JUDGMENTS AND DECREES**, **Foreign JURISDICTION**, generally
Fur-bearing animals, brand, 70-2-113
Gambling equipment as, 23-5-122
Gasoline and petroleum products
  price discrimination violations, production, 82-15-204
  special fuel taxes
    assessment, correctness, 15-70-332
    delivery, 15-70-324
  tax mailings, 15-70-103
Gifts
  causa mortis, presumption, 70-3-202
  unsolicited goods, presumption as, 70-3-104
Grain storage contracts, termination date, 80-4-229
Grants of property, See **DEEDS AND CONVEYANCES**
Grazing districts
  official acts, presumption of good faith and conformance to provisions, 76-16-319
  state land rental changes, 76-16-307
Guilty plea or withdrawal, admissibility, Title 26, chapter 10, M.R.Ev., Rule 410
Habeas corpus, hearing, 46-22-305
Habit, Title 26, chapter 10, M.R.Ev., Rule 406
Habitual traffic offenders, certified copies of conviction records, 61-11-207
Handwriting, See **Writings and recordings**
Harassment of witness, See **WITNESSES**, **Protection**
Health care records, See also **Privileges**
  abortion, consent, 50-20-106
  hospital staff committee records, 50-16-203 — 50-16-205
  infant mortality and morbidity records, 50-16-102
  licensing hearings, consent for release, 50-16-303
  occupational disease reports, inadmissible, 50-70-107
  venereal disease information privileged, 50-18-109
Hearing aid dispensers, conclusive evidence of conviction of felony, 37-16-411
Hearsay, See also **Excluded evidence**
  administrative proceedings, contested cases, 2-4-604
  admissibility, Title 26, chapter 10, M.R.Ev., Rule 802
  credibility of declarant, attack or support, Title 26, chapter 10, M.R.Ev., Rule 806
  declarant
    availability immaterial, Title 26, chapter 10, M.R.Ev., Rule 803
    credibility, relevant evidence, Title 26, chapter 10, M.R.Ev., Rule 806
    unavailable, Title 26, chapter 10, M.R.Ev., Rule 804
  definitions, Title 26, chapter 10, M.R.Ev., Rule 801
  exclusions, 26-1-103; Title 26, chapter 10, M.R.Ev., Rule 801
  hearsay within hearsay, Title 26, chapter 10, M.R.Ev., Rule 805
  mentally ill persons, commitment trial, 53-21-126
  transaction, what comprises, 26-1-103

EVIDENCE (Continued)

Higher evidence, presumption, 26-1-602
Highways, Department of
  order creating presumption of necessity of proposed highways or improvements, 60-4-104
  personnel, grievance proceedings, 2-18-1002, 2-18-1003
Highways, livestock on — negligence not presumed or inferred from collision with motor vehicle, 60-7-203
Historical treatises and events, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Homicide
  confession, 46-16-203
  dangerousness of defendant, presumption, 46-9-103
  inference of knowledge or purpose, 46-16-203
  mental state, inference, 46-16-203
  occurrence within state, presumption of, 46-2-101
Horses
  herd districts, official acts — presumption of good faith and conformance to provisions, 81-4-328
  roundup of abandoned
    foreman's report, 81-4-513
    official acts, presumption of good faith and conformance to provisions, 81-4-515
Hostile witnesses, See **Examination of witness**
Husband-wife, See **Married persons**; **Privileges**
Identification, evidence, See **Authentication or identification**
Identification number, possession as presumption of knowledge of obscuring, 45-6-326
Identification, person — presumption from name, 26-1-602
Illness of witness, See **WITNESSES**
Immunity of witness, See **WITNESSES**
Immunization of school children, requirements, 20-5-406, 20-5-409
Impeachment of
  credibility of witness, See **Credibility of witness**
  testimony, Title 26, chapter 10, M.R.Ev., Rule 607
Inadmissibility, See **Admissibility**; specific type of evidence
Incomplete introduction, Title 26, chapter 10, M.R.Ev., Rule 106
Inconsistent statements
  extrinsic evidence, admissibility, Title 26, chapter 10, M.R.Ev., Rule 613
  hearsay declarant, Title 26, chapter 10, M.R.Ev., Rules 801, 803, 806
  instructions to jury, 26-1-403
  preponderance of evidence, 26-1-403
  truthfulness of witness, presumption repelled by, 26-1-302
Indemnity, judgment against person indemnifying presumptive when, 28-11-317
Indictment, sufficiency for, 46-11-331
Indirect evidence, See also **Inferences**; **Presumptions**
  alcoholic beverage code violations, conviction based on, 16-6-205
  defined, 26-1-102
  kinds, 26-1-102
Inferences, See also **Indirect evidence**
  alcoholic beverages, 16-6-208, 16-6-209
  arises, how, 26-1-502
  crimes, mental state, 45-2-103
  defined, 26-1-501
  enumerated, 26-1-102
  estate distribution, negligence not inferred, 72-3-916
  experts, Title 26, chapter 10, M.R.Ev., Rule 703
  homicide, inference of knowledge or purpose, 46-16-203
  insurer's liquidation proceedings, inference of transfer being made prior to petition for liquidation, 33-2-1357
  limitations, Title 26, chapter 10, M.R.Ev., Rule 701
  livestock on highway, negligence not inferred from collision with motor vehicle, 60-7-203
  partnership, 35-10-202
    discharge of liability, 35-10-608
  privilege, no inference from claim, Title 26, chapter 10, M.R.Ev., Rule 505
  ultimate issue, on, Title 26, chapter 10, M.R.Ev., Rule 704
Inferior evidence, presumption, 26-1-602

EVIDENCE (Continued)

- **Informants**, testimony by
  - privileged, Title 26, chapter 10, M.R.Ev., Rule 502
  - tampering with, 45-7-206
- **Injunctions**, for, 27-19-303
- **Insanity**, See **Mental state**
- **Instructions to the jury on**, See **Jury**; See also **JURIES AND JURORS**, **Instructions to jury**
- **Instruments**, See **Writings and recordings**
- **Insufficiency**, See **Weight and sufficiency of evidence**
- **Insurance**
  - agent's appointment, information in notice of termination — inadmissibility, 33-17-231
  - agreements, admissibility, Title 25, chapter 20, M.R.Civ.P., Rule 26(b); Title 26, chapter 10 M.R.Ev., Rule 411
  - applications as, when, 33-15-402
  - commissioner of
    - certificate of person's authority to transact insurance, of facts therein, 33-1-312
    - hearings, 33-1-704, 33-1-711
    - records or documents, certified copies, 33-1-312
  - credit life and disability, of, 33-21-204
  - disability, of insurability, 33-22-308
  - examination reports as presumptive evidence, 33-1-412
  - examinations, investigations, or hearings — for, 33-1-315, 33-1-316
  - group life, of insurability, 33-20-1203, 33-20-1205, 33-20-1212
    - credit union groups, 33-20-1106
    - debtor groups, 33-20-1105
    - employee groups, 33-20-1101, 33-20-1111
    - employer and labor union combination groups, 33-20-1103
    - labor union groups, 33-20-1102, 33-20-1103, 33-20-1111
    - not required when, 33-20-1209
    - public employee groups, 33-20-1104
  - life, of insurability, 33-20-112, 33-20-307, 33-20-401
  - motor vehicle liability, hearings on notice of cancellation or nonrenewal, 33-23-215
  - property, payment of money as premium as prima facie evidence of owner of property insured, 33-24-102
  - rating or advisory organizations
    - licenses, prerequisites, 33-16-402
    - orders, findings of fact on which based — prima facie evidence, 33-16-113
  - surplus line coverage, evidence to insured, 33-2-308
  - title, issuance of policy based on title evidence, 33-25-103
- **Insurers**
  - domestic stock and mutual
    - certificate of incorporation, certified copy as prima facie evidence, 33-3-202
    - contingent liability, assessment for and amount of assessment as prima facie correct 33-3-413
    - merger or consolidation, for, 33-3-217
  - farm mutual, certified copies of articles of incorporation, 33-4-205
  - holding company systems
    - control, presumption, 33-2-1101
    - judicial review, record as, 33-2-1123
  - liquidation proceedings
    - claims, proof, 33-2-1365
    - premiums owed, evidence of violation of recovery provisions, 33-2-1362
    - transfers
      - inference of, being made prior to petition for liquidation, 33-2-1357
      - validity, burden of proof on person asserting, 33-2-1352
  - prohibited practices, in actions regarding, 33-18-1003
  - unauthorized, failure to defend action as prima facie evidence, 33-1-616
- **Interest**, statements against, 26-2-302; Title 26, chapter 10, M.R.Ev., Rule 804
- **Interpreters**, applicability of rules, Title 26, chapter 10, M.R.Ev., Rule 604
- **Interrogation of witness**, See **Cross-examination of witness**; **Examination o witness**
- **Interrogatories**, See **CIVIL PROCEDURE**, **Discovery**

EVIDENCE (Continued)

Introduction
  partial, Title 26, chapter 10, M.R.Ev., Rule 106
  prohibited, Title 25, chapter 20, M.R.Civ.P., Rule 37(b)
Investigative subpoenas, See **SUBPOENAS**
Investigators, See **Private investigators and patrol operators**
Investment companies, See **Banks and trust companies**
Issues, See also **CIVIL PROCEDURE, Issues**
  fact, province of jury, 26-1-202
  law, province of court, 26-1-201; Title 26, chapter 10, M.R.Ev., Rule 202
  opinion on ultimate issue, admissibility, Title 26, chapter 10, M.R.Ev., Rule 704
  pleadings, amendment for conformance, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
Judges, presumption of lawful exercise of jurisdiction, 26-1-602
Judgments
  birth date, on, 27-32-301
  effect, 26-3-201, 26-3-205
  hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  preexisting judgments, validation, 25-9-105
  presumption created by, 26-1-601, 26-3-205
  res judicata, Title 26, chapter 3
Judicial notice
  facts, Title 26, chapter 10, M.R.Ev., Rule 201
  foreign law, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
  hearsay, effect on, Title 26, chapter 10, M.R.Ev., Rule 803
  law, Title 25, chapter 20, M.R.Civ.P., Rule 44.1; Title 26, chapter 10, M.R.Ev., Rule 202
  state tax appeal board seal, 15-2-106
Judicial Notice of Foreign Law Act, Uniform, Title 26, chapter 10, M.R.Ev., Rule 202
Judicial records, effect
  correctness presumed, 26-1-602
  defined, 1-1-202, 2-6-101
  extent of judgment, 26-3-102
  foreign, effect
    admiralty, 26-3-204
    another state, 26-3-203
    court, 26-3-204
    judgment, 26-3-205
  impeachment, 26-3-105
  judgment
    effect, 26-3-201
    extent, 26-3-102
    foreign, 26-3-205
  jurisdiction necessary to sustain, 26-3-101
  orders, effect
    final, 26-3-201
    other, 26-3-202
  parties, 26-3-101, 26-3-103, 26-3-104
  presumption of correctness, 26-1-602
  public writing, defined as, 2-6-101
  surety — principal also bound, joinder, 26-3-104
  tax deed, lis pendens to be filed in action for, 15-18-303
Jurisdiction of court or judge, presumption of lawful exercise, 26-1-602
Jury
  admonition to, presumption, 46-16-501
  confessions, hearings to be out of hearing of jury, 46-13-301; Title 26, chapter 10, M.R.Ev., Rule 104
  credibility of witness, exclusive judge, 26-1-302
  deliberations on all issues, presumption, 26-1-602
  deliberations, papers which may be taken in, 25-7-404, 46-16-504
  inadmissible evidence, suggestion to jury to be prevented, Title 26, chapter 10, M.R.Ev., Rule 103
  inferences made by, 26-1-501
  instructions on
    burden of proof, 26-1-403

EVIDENCE (Continued)

Jury (Continued)
  instructions on (Continued)
    evaluation, 26-1-303
    judicial notice, Title 26, chapter 10, M.R.Ev., Rule 201
    limited admissibility, Title 26, chapter 10, M.R.Ev., Rule 105
  issues of fact, determination by, 26-1-202
    entirety of issue, presumption of action on, 26-1-602
  issues of law, declarations to, 26-1-201
  presumptions, See **Presumptions**
  sexual intercourse without consent, exclusion from hearings on admissibility, 45-5-503
  views of premises, 25-7-401, 46-16-502
  weight of evidence judged by, 26-1-203
  witnesses called by court, objections when jury not present, Title 26, chapter 10, M.R.Ev. Rule 614
Justice's court
  docket to be evidence of facts therein, 3-10-502
  special procedures, See **JUSTICES' COURTS**
Kinds of evidence, 26-1-102
Labels, self-authentication, Title 26, chapter 10, M.R.Ev., Rule 902
Landlord and tenant
  payment of rent, presumption, 26-1-602
  title of landlord, presumption, 26-1-601
Land or mining claims in national forests, proper marking of boundaries, 81-4-219
Landscape architects
  business licenses, evidence of registration, 37-66-303
  licenses, false or forged evidence in obtaining, 37-66-104
  practice, evidence of qualifications to, 37-66-301
  violations, evidence of, 37-66-323
Land surveyors, See **Engineers and land surveyors**
Laws
  applicable, See **Applicability of laws**
  books, presumption of correctness, 26-1-602, 26-1-603
  issues, province of court, 26-1-201
  judicial notice, Title 25, chapter 20, M.R.Civ.P., Rule 44.1; Title 26, chapter 10, M.R.Ev. Rule 202
  Montana code annotated
    effect, 1-11-103
    presumption of legislative construction, 1-11-103
    references to other titles, chapters, parts, or sections within, 1-2-108
  obedience, presumption, 26-1-602
  recitals in statutes, conclusive evidence, 26-1-604
Leading questions, See **Cross-examination of witness**; **Examination of witness**
Legitimacy, See **Minors**
Letters of credit, notation credit, 30-5-108
Letters rogatory, by, Title 25, chapter 20, M.R.Civ.P., Rule 28(b)
Licensure of former offenders, evidence of rehabilitations, 37-1-205
Liquor, See **Alcoholic beverages**
Livestock
  department, power to receive — when, 81-2-506
  highway, collision with motor vehicle — negligence not inferred or presumed, 60-7-203
  marks and brands record
    certificate, evidence of ownership, 81-3-105
    facts within, 81-3-103
  products, samples for analysis or testing — when, 81-2-102
Livestock dealers and brokers
  bonds, of, 81-8-277
  complaints, regarding, 81-8-274
Loans, presumed to be made on interest, 31-1-103
Lobbying violations, regarding, 5-7-212
Logger's lien, presumption on purchase of property, 71-3-612
Machine guns
  possession, presumption of purpose, 45-8-305

EVIDENCE (Continued)

Machine guns (Continued)
  presence as evidence of possession, 45-8-306
  registration, presumption from failure to register, 45-8-309
Magazines
  authentication, Title 26, chapter 10, M.R.Ev., Rule 902
  hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
  reporter's privilege, See **Privileges**, media
Mail, presumption of receipt, 26-1-602
"Malice or maliciously" denoting state of mind, establishment by presumption, 1-1-204
Malpractice review panel proceedings and decision, inadmissible, 27-6-704
Market reports, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Marriage
  certificate of, 40-1-322, 50-15-109
  declaration of invalidity, certificate, 50-15-109
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
  presumptions, 26-1-602, 40-1-322
Married persons
  children of spouse, presumption of support for as a parent, 40-6-217
  inventory of individual property as prima facie evidence when, 40-2-204
  privilege, See **Privileges**, spouses
  work and labor, presumption regarding, 40-2-207
Masters, powers of, Title 25, chapter 20, M.R.Civ.P., Rules 53(c), 53(d), 53(e)
Mausoleums and columbariums
  dedication of property, presumption, 26-1-602
  plots conveyed to individuals, presumption of ownership, 35-21-418
Media Confidentiality Act, Title 26, chapter 1, part 9, See **Privileges**
Media, privilege, See **Privileges**
Medical diagnosis or treatment, statements for — hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Medical examination
  depositions, for, Title 25, chapter 20, M.R.Civ.P., Rule 35
  sexual intercourse without consent, 46-15-411
Medical Examiners, Board of — authority, 37-3-203
Medical journals or treatises, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
Medical practitioners' interest in drug companies prima facie evidence of acquisition for investment or for prescribing company's drugs, 37-2-102
Medical professional standards review committee, proceedings and records, 37-2-201
Memory
  criminal appeals, preparation of statement of evidence, 46-20-304
  hearsay exceptions, effect on, Title 26, chapter 10, M.R.Ev., Rules 803, 804
  recorded recollections, Title 26, chapter 10, M.R.Ev., Rule 803
  writings to refresh, Title 26, chapter 10, M.R.Ev., Rule 612
Mental disease or defect of defendant
  admissibility to prove lack of required mental state, 46-14-102
    notice of intent required, 46-14-201
  commitment, evidence for release, 46-14-301, 46-14-302
  predisposition investigation, 46-14-301
  privileged information, 46-14-401
  psychiatric testimony at trial, 46-14-213
  sentencing, consideration in, 46-14-311
Mental state, hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rules 803, 804
Milk pricing formulas, concerning, 81-23-302
Milk products, See **Dairy products, manufactured**, generally
Mineral trusts for unlocatable owners, presumption of ownership, 82-1-306
Mines and mining
  custom and usage, 70-19-201
  leases
    demand for release, copy, 82-1-203
    expiration, notice, 82-1-202
  location of claim
    abandonment, 82-2-102
    boundaries, proper marking, 82-2-101

EVIDENCE (Continued)

- **Mines and mining** (Continued)
  - location of claim (Continued)
    - certificate, facts in, 82-2-102
    - national forests, claims in, 81-4-219
    - u.s. patent, effect, 82-2-113
    - working, affidavit, 82-2-103
  - metal mines, presumption of abandonment, 82-4-303
  - opencut mines, production, 82-4-422
  - strip and underground mining, water damage, 82-4-253
- **Minors**, See also **YOUTH COURT**
  - abandonment by parent, presumption of relinquishment of service and custody, 40-6-235
  - abuse, See **Child abuse**
  - custody, See **Child custody hearings**
  - husband-wife privilege, child abuse proceedings not subject to, 41-3-404
  - legitimacy, 26-1-601, 26-1-602, 40-6-201, 40-6-202, 50-15-207; Title 26, chapter 10, M.R.Ev Rules 803, 804
  - privileged communications, 26-1-808, 26-1-809
  - support, See **Child support proceedings**
- **Missing persons**, presumptions, 26-1-621 — 26-1-623
- **Mistake**, See **Error**
- **Money**, presumption of payment, 26-1-602
- **Motions**, evidence on, Title 25, chapter 20, M.R.Civ.P., Rule 43(e)
- **Motor carriers**
  - certificate applications, public convenience and necessity, 69-12-323
  - excess charges, recovery — nonadmissibility of contracts or agreements, 69-12-511
  - nonpayment of fee, statements not filed, or lack of information — prima facie evidence o 69-2-205
  - operating authority
    - intrastate, prima facie presumption of absence of public convenience and necessit 69-12-404
    - temporary, presumption of permanent authority, 69-12-207
  - public service commission agents or examiners, to receive, 69-12-206
  - rate
    - cases, 69-2-102
    - schedule revision, suspension — hearings, 69-12-505
  - status as, prima facie evidence of, 69-12-106
- **Motor vehicle financial responsibility**
  - appeal hearings, 61-6-106
  - liability insurance, hearings on notice of cancellation or nonrenewal, 33-23-215
  - money or securities as proof
    - certificate, acceptance — evidence required for, 61-6-138
    - return of, requirements, 61-6-142
- **Motor vehicles**
  - certificate of ownership
    - duplicate — facts concerning loss, mutilation, or illegibility, 61-3-204
    - joint ownership with right of survivorship, presumption, 61-3-202
    - transfer of interest, requirements for, 61-3-201
  - certificate of registration, requirements for transfer of interest, 61-3-201
  - foreign, ownership, 61-3-701
  - franchises
    - sale by change of ownership, burden of proof on franchisor to prove good cause f withholding consent to, 61-4-205
    - termination or discontinuance
      - burden of proof on franchisor to establish good cause for, 61-4-206
      - hearings, evidence for, 61-4-206
  - registrants as prima facie owners, 61-3-105
- **Motor vehicle wrecking facility**, prima facie evidence of, 75-10-502
- **Municipal zoning board of adjustment appeal hearings**, for, 76-2-327
- **Name**, presumption of identity from, 26-1-602
- **Negligence**
  - insurance against, effect, Title 26, chapter 10, M.R.Ev., Rule 411

EVIDENCE (Continued)

Negligence (Continued)
  remedial measures, subsequent, Title 26, chapter 10, M.R.Ev., Rule 407
  voluntary payment, effect, See **Voluntary payment of claim**
Negotiable instruments, See **Commercial paper**
Newly discovered evidence, 25-11-102, 25-11-103; Title 25, chapter 20, M.R.Civ.P., Rule 60(b)
News media, privileges, See **Privileges**, media
Newspapers
  authentication, Title 26, chapter 10, M.R.Ev., Rule 902
  printer's affidavit, See **Affidavits as evidence**
  privilege, See **Privileges**, media
New trial, decision on — reference to, Title 25, chapter 20, M.R.Civ.P., Rule 59(d)
Nolo contendere, plea of, Title 26, chapter 10, M.R.Ev., Rules 410, 803
Notation credit, 30-5-108
Notice, See **Judicial notice**
Nurses
  license applicants, qualifications, 37-8-405, 37-8-415
  privileges, 26-1-809
  qualification to practice, of, 37-8-101
Nursing education programs, for applications for approval, 37-8-301
Nursing home administrators, of sufficient education or training, 37-9-301
Oath of witness, See **WITNESSES**
Obligations
  care, presumption, 26-1-602
  delivery, presumption of payment, 26-1-602
  third parties, 26-1-104
  usage, establishment by presumption, 1-1-206
  voluntary retention of benefit, presumption when partial performance, 28-1-1105
  witnessing of making, 26-1-102
Obscenity, 45-8-201
Obstruction of justice, evidence of compromise negotiations, Title 26, chapter 10, M.R.Ev., Rule 408
Occupational disease reports inadmissible, 50-70-107
Offenses
  evidence on, See **Criminal**; specific offense
  false swearing, 45-7-202
  perjury, 45-7-201
  tampering with evidence, 45-7-206, 45-7-207
  witnesses, involving, See **WITNESSES**
Offer of compromise, admissibility, See **Compromise or offers to compromise**
Offers of proof, Title 25, chapter 20, M.R.Civ.P., Rule 43(c); Title 26, chapter 10, M.R.Ev., Rule 103
  sexual intercourse without consent, 45-5-503
Offer to plead guilty or nolo contendere, Title 26, chapter 10, M.R.Ev., Rule 410
Official acts and writings, See also **Public officers**; **Public records**
  authentication, Title 25, chapter 20, M.R.Civ.P., Rules 44(a), 44(c); Title 26, chapter 10, M.R.Ev., Rules 902, 1005
  contents, evidence of, Title 26, chapter 10, M.R.Ev., Rule 1005
  lack of record, Title 25, chapter 20, M.R.Civ.P., Rules 44(b), 44(c)
  missing persons act, in accordance with, 26-1-621 — 26-1-623
  presumption of
    correctness, 26-1-605, 26-1-606
    regularity of performance, 26-1-602
  prima facie evidence, 26-1-605, 26-1-606
Oil and gas — production compelled by board of oil and gas conservation, 82-11-142
Opinion testimony
  character evidence, Title 26, chapter 10, M.R.Ev., Rules 405, 608
  experts, See **Expert testimony**
  habit, Title 26, chapter 10, M.R.Ev., Rule 406
  handwriting, Title 26, chapter 10, M.R.Ev., Rule 901
  lay witness, Title 26, chapter 10, M.R.Ev., Rule 701
  religious opinion of witness, Title 26, chapter 10, M.R.Ev., Rule 610

EVIDENCE (Continued)

Opinion testimony (Continued)
  routine practice, Title 26, chapter 10, M.R.Ev., Rule 406
  ultimate issue, on, Title 26, chapter 10, M.R.Ev., Rule 704
  voice identification, Title 26, chapter 10, M.R.Ev., Rule 901
Optometrists' certificates of registration, purchase with intent to use as evidence of qualifications, 37-10-301
Oral, See **Parol**
Oral examination, See **Examination of witness**
Order of presenting, 25-7-301, 46-16-401, 46-16-402
Orders, effect, 26-1-601, 26-3-201, 26-3-202
Original documents, writings, and recordings, See **Writings and recordings**
Osteopaths, license applicants
  qualifications, evidence of, 37-5-301, 37-5-303
  school of osteopathy, evidence of having attended, 37-5-302
Outfitters and guides, presumption of what constitutes consideration, 87-4-102
Paint, laboratory analysis, 30-12-1003
Parol, 1-4-102
  conduct, prohibited for, Title 26, chapter 10, M.R.Ev., Rule 608
  contracts, 28-2-905, 28-3-402, 70-20-202
    sales, 30-2-202, 30-2-316, 30-2-326
  deeds, 28-2-905, 70-20-202
  documents not required for authentication when, Title 26, chapter 10, M.R.Ev., Rule 902
  inconsistent statements, Title 26, chapter 10, M.R.Ev., Rule 613
  postconviction hearings, 46-21-201
  wills, 28-2-905, 70-20-202
Parolees or probationers, evidence of rehabilitation, 37-1-205
Partial introduction, Title 26, chapter 10, M.R.Ev., Rule 106
Partnerships
  admission of partner binding, 35-10-303
  continuation, 35-10-406
  existence, 26-1-602, 35-10-202
  fictitious name, 35-11-202
  liability, inference of partner's discharge, 35-10-608
Paternity proceedings
  blood test results, 40-6-113, 40-6-115
  certificate naming father, 50-15-109
  general inclusions, 40-6-113
  inadmissible evidence, 40-6-115
  presumption of paternity, 40-6-105, 40-6-108, 40-6-126
  witness's immunity from criminal liability when, 40-6-111
Payment of claim, effect, See **Voluntary payment of claim**
Perjury, 45-7-201
Periodicals, See **Magazines**; **Newspapers**; **Publications**; **Writings and recordings**
Perpetuation of testimony
  action for, Title 25, chapter 20, M.R.Civ.P., Rule 27(c)
  deposition, by, See **DEPOSITIONS**
Personal knowledge required, Title 26, chapter 10, M.R.Ev., Rule 602
Personal solicitation sales, presumption of time for redelivery of goods, 30-14-507
Pesticide analysis, certified copy as, 80-8-302
Pharmacies, certification requirement, 37-7-321
Photographs, See also **Writings and recordings**
  child abuse, 41-3-204
  defined, Title 26, chapter 10, M.R.Ev., Rule 1001
Physical condition, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
Physical therapists
  certificate, prima facie evidence to represent as licensed therapist, 37-11-306
  licenses
    applications, of qualifications, 37-11-304
    temporary, evidence that therapist is in state on temporary basis, 37-11-309
Physicians, See also **Medical** headings in this category
  charges or complaints against, investigatory hearings, 37-3-323

EVIDENCE (Continued)

Physicians (Continued)
  licenses
    applications, burden of proof on applicant to prove qualifications, 37-3-309
    register as prima facie evidence, 37-3-205
    suspension or revocation, hearings for, 37-3-323
  medical school, evidence of graduation from, 37-3-309
  privileged communications, See **Privileges**
  unprofessional conduct, evidence of, 37-3-322
Pipeline carriers
  nonpayment of fee, statements not filed, or lack of information — prima facie evidence of, 69-2-205
  orders by public service commission, prima facie evidence of validity, 69-13-202
Pleadings amended to conform to, Title 25, chapter 20, M.R.Civ.P., Rule 15(b)
Plumbers, master — of experience for license applications, 37-69-305
Postconviction hearings, 46-21-201
Prejudice of witness, Title 26, chapter 10, M.R.Ev., Rules 408, 411
Preliminary questions on admissibility, See **Admissibility**
Preponderance of evidence, 26-1-403, See **Burdens of proof**
Presence in court, requirements to testify, 26-2-303
Press, privileges, See **Privileges**, media
Presumptions, See also **Indirect evidence**
  acquiescence and belief, 26-1-602
  administrative rules presumed contrary to legislative intent, 2-4-404, 5-18-110
  agency, collecting bank, 30-4-201
  agricultural seeds, certificate of test results as correctness of facts, 80-5-111
  arbitration, deliberations on all matters, 26-1-602
  assault, purpose, 45-5-201
  authentication, Title 26, chapter 10, M.R.Ev., Rule 902
  banks and trust companies — collecting bank, agency status, 30-4-201
  boats, negligent operation — presumption of owner's consent and knowledge, 23-2-505
  books
    decisions of tribunals, correctness, 26-1-602
    law, correctness, 26-1-603
    official, correctness, 26-1-605
    printing by public authority, 26-1-602
  building and loan associations
    agent's consent, 32-2-222
    conversion, meeting on, 32-2-441
  business inventories, 15-24-403
  care, 26-1-602
  cemeteries, dedication of property, 26-1-602
  child support proceedings, obligor's presence in responding state, 40-5-108
  cigarettes
    cost of doing business by retailer or wholesaler, 16-10-103
    discounts allowed upon purchases by wholesaler, 16-10-103
    insignia, lack of — violation of provisions, 16-11-113
    taxes, as direct tax on consumer, 16-11-112, 16-11-202
  commercial paper
    consideration, 26-1-602
    date, correctness, 30-3-114
    demand instrument, overdue, 30-3-304
    dishonor, 30-3-510
    endorsement
      order, 30-3-414
      time and place, 26-1-602
    liability, amount of instrument, 30-3-419
    notice of dishonor, 30-3-510
    presentment, time, 30-3-503
    signature
      genuineness and authorization, 30-3-307
      guaranty, 30-3-416
    transferee as owner, 30-3-201

EVIDENCE (Continued)

Presumptions (Continued)
- conclusive
  - defined, Title 26, chapter 10, M.R.Ev., Rule 301
  - enumerated, 26-1-601
- consideration
  - commercial paper, 26-1-602
  - written instrument, 26-1-601, 26-1-602, 28-2-804
- contract
  - consideration, 26-1-601, 26-1-602, 28-2-804
  - fixing damages, actual amount, 28-2-721
  - joint and several, 28-3-703
  - personal services, measure of compensation, 28-2-722
  - revision, equitable agreement, 28-2-1612
  - uncertainty, party which causes, 28-3-206
- conversion, presumption of value, 27-1-320
- corporation shares, restrictions on transfer presumed reasonable, 35-1-617
- cosmetic additives, unsafe, 50-31-109
- course of business, 26-1-602
- course of nature, 26-1-602
- courts
  - decisions, correctness of published reports, 26-1-602
  - jurisdiction, lawful exercise, 26-1-602
- credibility of witness, 26-1-302
- crimes
  - appearance of defendant at trial, 46-16-108
  - bail, effect of presumption of guilt, 46-9-102
  - death, occurrence within state, 46-2-101
  - guilty intent, 26-1-601, 26-1-602
  - innocence, 26-1-602, 46-16-601
  - jury, admonition to, 46-16-501
- damages, actual amount when contract fixes, 28-2-721
- date, correctness, 26-1-602, 30-3-114
- death, 26-1-602, 26-1-621 — 26-1-623, 72-1-108
  - occurrence within state, 46-2-101
- debt, 26-1-602
- defined, 30-1-201; Title 26, chapter 10, M.R.Ev., Rule 301
- disputable
  - defined, 26-1-602; Title 26, chapter 10, M.R.Ev., Rule 301
  - enumerated, 26-1-602
- driving while under the influence of alcohol or drugs, from blood alcohol tests, 61-8-401
- drugs
  - additives, unsafe, 50-31-109
  - antiseptics, 50-31-302
  - germicides, 50-31-302
  - sentence for criminal possession when offender 21 years of age or less, 45-9-102
- effect, 26-1-303; Title 26, chapter 10, M.R.Ev., Rule 301
- elections
  - counting votes, incorrectness, 13-16-303
  - residence of elector, 13-1-112
- electronic funds transfers, authorization of transaction, 32-6-303
- estoppel, 26-1-601
- existence, 26-1-602
- federal law, applicability, Title 26, chapter 10, M.R.Ev., Rule 302
- fictitious names, register, 35-11-202
- floodplain or floodway obstructions, cause of flooding, 76-5-109
- food
  - additives, unsafe, 50-31-109
  - adulteration, 50-31-202
  - misbranded, 50-31-203
- fraudulent conveyances, certain transfers presumed to be, 31-2-315
- gasoline, special fuels — correctness of assessment, 15-70-332
- gift, 70-3-104, 70-3-202

EVIDENCE (Continued)

Presumptions (Continued)
- grant includes essentials, 1-3-213
- grazing districts, official acts — good faith and conformance to provisions, 76-16-319
- health and environmental sciences, board of — meetings, 50-1-302
- higher evidence, 26-1-602
- highways
  - livestock on, collision with motor vehicle — negligence not presumed or inferred, 60-7-203
  - proposed highways or improvements, order creating presumption of necessity, 60-4-104
- hogs, weight, 15-24-931
- homicide, dangerousness of defendant, 46-9-103
- horse herd districts, official acts — good faith and conformance to provisions, 81-4-328
- horses, roundup of abandoned — official acts, good faith and conformance to provisions, 81-4-515
- identity from name, 26-1-602
- inconsistency, Title 26, chapter 10, M.R.Ev., Rule 301
- indemnity, conclusiveness of judgment, 28-11-317
- inferior evidence, 26-1-602
- innocence, 26-1-602
- insurance holding company systems, presumption of control, 33-2-1101
- inventories, 15-24-403
- judges — jurisdiction, lawful exercise, 26-1-602
- judgment, created by, 26-1-601, 26-3-205
- judicial record, correctness, 26-1-602
- jurisdiction — court or judge, lawful exercise, 26-1-602
- jury, deliberation on all issues, 26-1-602
- landlord and tenant
  - payment of rent, 26-1-602
  - title of landlord, 26-1-601
- law books, correctness, 26-1-602, 26-1-603
- law, obedience to, 26-1-602
- legitimacy, 26-1-601, 26-1-602, 40-6-201
- liquor excise tax accounting methods, determination of purchases outside state and sold for consumption within state, 16-1-403
- loan, upon interest, 31-1-103
- logger's lien, purchase of levied property, 71-3-612
- machine gun, offensive or aggressive purpose, 45-8-305, 45-8-309
- mail, receipt, 26-1-602
- "malice or maliciously" denoting state of mind, establishment, 1-1-204
- marriage, 26-1-602, 40-1-322
- married persons
  - children of spouse, support for as a parent, 40-6-217
  - work and labor, 40-2-207
- mausoleums and columbariums
  - dedication of property, 26-1-602
  - plots conveyed to individuals, ownership, 35-21-418
- mineral trusts for unlocatable owners, ownership, 82-1-306
- mines and mining
  - claim, abandonment, 82-2-102
  - metal mine operation, abandonment, 82-4-303
- minors
  - abandonment by parent as relinquishment of services and custody, 40-6-235
  - legitimacy, 26-1-601, 26-1-602, 40-6-201, 40-6-202
- missing persons, 26-1-621 — 26-1-623
- money, payment, 26-1-602
- Montana code annotated, legislative construction, 1-11-103
- motor carriers, operating authority
  - intrastate, absence of public convenience and necessity, 69-12-404
  - temporary, of permanent authority, 69-12-207
- motor vehicle certificate of ownership, joint ownership with right of survivorship, 61-3-202
- name, identity from, 26-1-602
- negotiable instruments, See **Commercial paper**

EVIDENCE (Continued)

Presumptions (Continued)
- obligations
  - delivery, payment, 26-1-602
  - usage, establishment, 1-1-206
  - voluntary retention of benefit when partial performance, 28-1-1105
- official duty, regularity of performance, 26-1-602
- orders, created by, 26-1-601, 26-3-202
- ordinary care, 26-1-602
- outfitters and guides, determination of consideration, 87-4-102
- paints, chemist's analysis report, 30-12-1003
- partial performance, voluntary retention of benefit, 28-1-1105
- partnership, contract, 26-1-602
- paternity, 40-6-105, 40-6-108, 40-6-126
- payment
  - debt, 26-1-602
  - installments or rent, payment of former on production of receipts for latter, 26-1-602
  - obligation, delivery, 26-1-602
- personal solicitation sales, time for redelivery of goods, 30-14-507
- private transactions, fairness and regularity, 26-1-602
- property
  - boundaries, 70-16-202
  - causa mortis gifts, 70-3-202
  - conversion, presumption of value, 27-1-320
  - conveyance
    - breach, adequacy of damages as relief, 27-1-419
    - delivery of grant, 70-1-509
    - essentials, inclusion, 1-3-213
    - fee simple, 70-20-301
    - fiduciary, by, 26-1-602
    - recording, 70-21-209
  - delivery, 26-1-602
  - deposit, when loss or injury, 70-6-203
  - fee simple, passing, 70-20-301
  - grant includes essentials, 1-3-213
  - landlord and tenant
    - personal property of tenant, presumption of abandonment, 70-24-430
    - renewal of lease, 70-26-204, 70-26-205
    - retaliation of landlord, 70-24-431
    - security deposit, 70-25-101
    - term of lease, 70-26-201
  - monuments, location at corner, 70-22-103
  - ownership, 26-1-602
  - possession, 26-1-602, 70-19-404, 70-19-412
  - unclaimed, 70-9-201 — 70-9-208, 70-24-430
  - unsolicited goods, gift, 70-3-104
  - wife, presumption grantor had none, 70-20-316
- public employees
  - class specifications, revision presumed to adversely affect employee, 2-18-1011
  - duty, regularity of performance, 26-1-602
- public officer
  - appointment, regularity, 26-1-602
  - duty, regularity of performance, 26-1-602
- railroads, assessment — description of property, 15-23-201
- sales
  - personal solicitation, time for redelivery of goods, 30-14-507
  - place and method of inspection exclusive, 30-2-513
- securities
  - signature, genuineness of, 30-8-105
  - transfer, restrictions on, 35-1-617
- serial number, possession as presumption of knowledge of removal or obscuring, 45-6-326
- sexual intercourse without consent, credibility of victim, 45-5-503

EVIDENCE (Continued)

Presumptions (Continued)
  signatures
    genuineness
      commercial paper, 30-3-307
      securities, 30-8-105
    guaranty, commercial paper, 30-3-416
  sound recordings, possession of copies without consent of owner, 30-13-143
  state of mind, establishment of malice or maliciously, 1-1-204
  statutes and references to other titles, chapters, parts, or sections, 1-2-108
  suppression of evidence, 26-1-602
  title, value, 27-1-304
  truthfulness of witness, 26-1-302
  unfair trade practices, cost of doing business, 30-14-211
  university system students' domicile and change in status, 20-25-503, 20-25-504
  unsolicited goods, gift, 70-3-104
  voluntary acts, intent of consequences, 26-1-602
  watercourse, that depression is, 76-5-104
  weighing or measuring device, existence, 30-12-506
  witness, truthfulness, 26-1-302
  writings
    ancient documents, genuineness, 26-1-602
    consideration, 26-1-601, 26-1-602, 28-2-804
    date, correctness, 26-1-602
    public printing, 26-1-602
    terms, construction, 1-4-107
    truth of facts recited, 26-1-601
    value, 27-1-304
  wrongful conversion, presumption of value, 27-1-320
Pretrial procedure, Title 25, chapter 20, M.R.Civ.P., Rule 16
"Prima facie evidence" defined, 26-1-102
Printer's affidavit, See **Affidavits as evidence**
Prior statements, See also **Inconsistent statements**
  examination concerning, Title 26, chapter 10, M.R.Ev., Rule 613
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 804
Prisoners, testimony of, See **WITNESSES**
Private investigators and patrol operators
  license applications, requirements, 37-60-303
  pocket cards as evidence of licensing, 37-60-311
  securing evidence, 37-60-102
Privileges, See also **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS**, generally
  accountant-client, 37-50-402
  attorney-client, 26-1-803, 41-5-402
  audiologist-client, 26-1-806
  claim of privilege, no opportunity, Title 26, chapter 10, M.R.Ev., Rule 504
  clergy, confessions to, 26-1-804
  comment improper, Title 26, chapter 10, M.R.Ev., Rule 505
  compulsion, disclosure under, Title 26, chapter 10, M.R.Ev., Rule 504
  corporate tax returns, 15-31-507
  discovery, exempt from, 46-15-312; Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
  drug research subjects, identity, 50-32-106
  effect, 26-1-801
  energy supply information, 90-4-305
  exclusions, Title 26, chapter 10, M.R.Ev., Rule 501
  health care records, 50-16-314, See also **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS**
  hearsay testimony, effect, Title 26, chapter 10, M.R.Ev., Rule 804
  hospital staff committee records, 50-16-203 — 50-16-205
  income tax records, 15-30-303
  infant mortality and morbidity information, 15-16-102
  informants, Title 26, chapter 10, M.R.Ev., Rule 502
  interpreters for deaf persons, 49-4-511

EVIDENCE (Continued)

Privileges (Continued)
  investigative subpoenas, 46-4-305
  judicial standards commission proceedings, 3-1-1105, See also **JUDGES AND JUSTICES, Judicial Standards Commission**, disclosure of proceedings
  malpractice panel proceedings and decision, 27-6-704
  media
    citation of media confidentiality act, 26-1-901
    extent, 26-1-902
    voluntary testimony, 26-1-903
    waiver of privilege, 26-1-903
  medical records, 50-16-314
  minors, 26-1-808, 26-1-809
    child abuse proceedings, 41-3-201, 41-3-204, 41-3-404
  motor vehicle accident reports, 61-7-114
  nurses, 26-1-809
  occupational disease reports, 50-70-107
  physician-patient, 26-1-805
    child abuse records and proceedings not subject to, 41-3-201, 41-3-204, 41-3-404
    criminal proceedings, mental disease or defect of defendant, 46-14-401
    drug research subjects, identity, 50-32-106
    hospital staff committees, 50-16-203 — 50-16-205
    licensing hearings, consent for release, 50-16-303
    malpractice panel proceedings, 27-6-704
    occupational disease reports, 50-70-107
    records, 50-16-314
    venereal disease information, 50-18-109
    waiver, 27-6-302, 27-6-306, 50-16-314; Title 25, chapter 20, M.R.Civ.P., Rule 35(b)
  policy of law, 26-1-801
  preliminary questions on, Title 26, chapter 10, M.R.Ev., Rule 104
  psychologist-client, 26-1-807 — 26-1-809
  psychology teachers and observers, 26-1-808
  public health officers, 50-18-109
  public officers, 26-1-810; Title 26, chapter 10, M.R.Ev., Rule 502
  rules of evidence, applicability, Title 26, chapter 10, M.R.Ev., Rule 101
  speech pathologist-client, 26-1-806
  spouses, 26-1-802
    abandonment, admissibility, 46-16-212
    child abuse proceedings not subject to, 41-3-404, 46-16-212
    criminal violence, admissibility, 46-16-212
    neglect, admissibility, 46-16-212
    prostitution, admissibility when, 45-5-604
    support proceedings, suspension, 40-5-123
  tax records, 15-30-303, 15-31-507
  teachers, 26-1-808, 26-1-809
  venereal disease information, 50-18-109
  voluntary disclosure, Title 26, chapter 10, M.R.Ev., Rules 502, 503
  waiver of privilege, Title 26, chapter 10, M.R.Ev., Rule 503
  youth court, 41-5-402
Process, authentication, Title 26, chapter 10, M.R.Ev., Rule 901
Produce wholesalers — records, inspection certificates, and reports, 80-3-608
Professional Engineers and Land Surveyors, Board of — records of proceedings as prima facie evidence, 37-67-204
"Proof" defined, 26-1-101
Property
  abandonment, presumption, 70-9-201 — 70-9-208
  boundaries, presumption, 70-16-202
  certificate of purchase from state or united states, 70-19-305
  conversion, presumption of value, 27-1-320
  conveyance, See **DEEDS AND CONVEYANCES**
  damage by tenant, burdens of proof, 70-25-204
  delivery, presumption created by, 26-1-602
  deposit, presumption when loss or injury, 70-6-203

EVIDENCE (Continued)

Property (Continued)
    gift, See **Gifts**
    grants, See **DEEDS AND CONVEYANCES**
    homestead, value of property, 70-32-104
    inventory of individual property by married persons as prima facie evidence when, 40-2-204
    landlord-tenant relationships
        personal property of tenant, presumption of abandonment, 70-24-430
        renewal of lease, presumption, 70-26-204, 70-26-205
        retaliation of landlord, presumption, 70-24-431
        security deposit, presumption, 70-25-101
        term of lease, presumption of, 70-26-201
    lease, presumption of
        renewal, 70-26-204, 70-26-205
        term, 70-26-201
    mining claims, See **Mines and mining**
    monuments, location at corner presumed, 70-22-103
    ownership
        certificate of purchase from state or united states, 70-19-305
        insurance agreement as evidence, Title 26, chapter 10, M.R.Ev., Rule 411
        presumption, 26-1-602
    possession, presumption created by, 26-1-602, 70-19-404, 70-19-412
    quiet title actions by heirs of deceased entrymen, 70-28-202
    records, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
    rental of personal property, false identification prima facie evidence of offense, 45-6-309
    title, presumption of value, 27-1-304
    unclaimed, presumption, 70-9-201 — 70-9-208
    unsolicited goods, presumption of gift, 70-3-104
Proprietary postsecondary educational institutions, compliance with standards, 20-30-202
Prostitution, promotion of, 45-5-604
Protection of witness, See **WITNESSES**
Psychologists
    licensure of, qualifications for, 37-17-302
    psychologist-client privilege, 26-1-807 — 26-1-809
Public Accountants, Board of
    records, admissibility, 37-50-201
    rules or amendments to, certificate of mailing as conclusive proof of, 37-50-203
Publications
    authentication, Title 26, chapter 10, M.R.Ev., Rule 902
    hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
Public contractor's license, 15-50-104
Public employees
    duty, presumption of regularity of performance, 26-1-602
    grievance proceedings, 2-18-1011 — 2-18-1013
    signature, effect, Title 26, chapter 10, M.R.Ev., Rule 902
Public nuisance, 45-8-112
Public officers, See also **Official acts and writings**
    appointment, presumption of regularity, 26-1-602
    duty, presumption of regularity of performance, 26-1-602
    privileged communication to, See **Privileges**
    signature, effect, Title 26, chapter 10, M.R.Ev., Rule 902
Public records, See also **Official acts and writings**; **Writings and recordings**
    authentication, Title 25, chapter 20, M.R.Civ.P., Rules 44(a), 44(c); Title 26, chapter 10, M.R.Ev., Rules 901, 902, 1005
    contents, evidence, Title 26, chapter 10, M.R.Ev., Rule 1005
    copies, admissibility, 2-6-102, 2-6-111; Title 26, chapter 10, M.R.Ev., Rules 902, 1005
    hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
    lack of record, Title 25, chapter 20, M.R.Civ.P., Rules 44(b), 44(c); Title 26, chapter 10, M.R.Ev., Rule 803
    removal from office when admissible, 2-6-105
Public Service Commission
    hearings, 69-2-102, 69-2-201, 69-3-326, 69-3-329

EVIDENCE (Continued)

Public Service Commission (Continued)
  orders
    challenge, action to — burden of proof upon party attacking or resisting, 69-3-402
    judicial review, evidence, 69-3-404
Public utilities, See **Utilities**
Publisher's affidavit, See **Affidavits as evidence**
Questioning of witness, See **Cross-examination of witness; Examination of witness**
Questions of fact or law, See **Issues**
Radio broadcasting, privileges, See **Privileges**, media
Railroads
  enforcement of rates, rules, or orders — burden of proof on defendant, 69-14-134
  fire hazards along right-of-way, failure to control — prima facie evidence of negligence, 69-14-721
  highway crossing orders, prima facie evidence of reasonableness, 69-14-608
  investigations, evidence produced by witnesses, 69-14-113
  livestock, killing or injury as prima facie evidence of negligence, 69-14-707
  nonpayment of fee, statements not filed, or lack of information — prima facie evidence of, 69-2-205
  rates, charges, and classification
    cases, 69-2-102
    changes, suspension hearings, 69-14-312
    prima facie evidence of reasonableness, 69-14-402
Realty Regulation, Board of
  power regarding, 76-4-1207, 76-4-1210
  records, 37-51-201
Reasonable doubt, 26-1-403, 46-16-602
Rebuttable presumptions, See **Presumptions**
Rebuttal, 25-7-301
Recall of witness, Title 26, chapter 10, M.R.Ev., Rule 611, See also **Examination of witness**
Recall petition signatures, certification as, 2-16-620
Recollection, See **Memory**
Recordings, See **Writings and recordings**
Records, official, See **Official acts and writings; Public records**
Reexamination of witness, Title 26, chapter 10, M.R.Ev., Rule 611, See also **Examination of witness**
Refusal to testify or produce evidence
  contempt, as, See **CONTEMPT, Acts or omissions which constitute**, witnesses
  informants, See **Privileges**
  privilege when, Title 26, chapter 10, M.R.Ev., Rule 501, See **Privileges**
Relevance, See also **Admissibility**; specific subject area
  admissibility, Title 26, chapter 10, M.R.Ev., Rule 402
  applicability of laws, Title 26, chapter 10, M.R.Ev., Rule 402
  character evidence, See **Character evidence**
  defined, Title 26, chapter 10, M.R.Ev., Rule 401
  exclusion, grounds, Title 26, chapter 10, M.R.Ev., Rule 403, See also **Excluded evidence**
  habit, Title 26, chapter 10, M.R.Ev., Rule 406
  remedial measures, subsequent, Title 26, chapter 10, M.R.Ev., Rule 407
  routine practice, Title 26, chapter 10, M.R.Ev., Rule 406
Religious beliefs, witness', Title 26, chapter 10, M.R.Ev., Rule 610
Religious organization's records, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
Rendering or disposal plants, hearings concerning violations, 81-9-303, 81-9-305
Rental of personal property, false identification prima facie evidence of offense, 45-6-309
Reporters' Confidence Act, Title 26, chapter 1, part 9, See **Privileges**
Reporters, court, See **Court reporter**
Reporters' privilege, See **Privileges**
Reputation evidence
  boundaries, Title 26, chapter 10, M.R.Ev., Rule 803
  character, on, Title 26, chapter 10, M.R.Ev., Rules 405, 608, 803
  family history, Title 26, chapter 10, M.R.Ev., Rule 803

EVIDENCE (Continued)

Reputation evidence (Continued)
  history, Title 26, chapter 10, M.R.Ev., Rule 803
  ownership presumed, 26-1-602
Res gestae, 26-1-103; Title 26, chapter 10, M.R.Ev., Rules 801, 803
Res judicata, Title 25, chapter 20, M.R.Civ.P., Rule 8(c); Title 26, chapter 3
Routine practice, Title 26, chapter 10, M.R.Ev., Rule 406, See also **Business**
Rules of Evidence, Title 26, chapter 10
  applicability
    administrative proceedings, contested cases, 2-4-612
    criminal proceedings, 46-16-201
    exclusions, Title 26, chapter 10, M.R.Ev., Rules 101, 104
      state tax appeal board, inapplicable, 15-2-301
    facility siting certification proceedings, 75-20-222
    generally, Title 26, chapter 10, M.R.Ev., Rule 101
    interpreters, Title 26, chapter 10, M.R.Ev., Rule 604
    interrogatories, Title 25, chapter 20, M.R.Civ.P., Rule 33(b)
    jury, judgments on evidence, 26-1-303
    persistent felony offenders, hearings, 46-18-503
    support, reciprocal enforcement of, 40-5-124
  citation, Title 26, chapter 10, M.R.Ev., Rule 100
  construction, Title 26, chapter 10, M.R.Ev., Rule 102
    question of law, 26-1-201
  jury, instruction that deliberations be in subordination to, 26-1-303
  purpose, Title 26, chapter 10, M.R.Ev., Rule 102
  scope, Title 26, chapter 10, M.R.Ev., Rule 101
  short title, Title 26, chapter 10, M.R.Ev., Rule 100
Rulings on evidence
  error, Title 25, chapter 20, M.R.Civ.P., Rule 61; Title 26, chapter 10, M.R.Ev., Rule 103
  objections, Title 26, chapter 10, M.R.Ev., Rule 103
  offer of proof, Title 26, chapter 10, M.R.Ev., Rule 103
Sales
  conformance, 30-2-515
  extrinsic, 30-2-202, 30-2-316, 30-2-326
  goods in dispute, 30-2-515
  inspection, place and method presumed exclusive, 30-2-513
  market price, 30-2-723
    quotations, 30-2-724
  oral, 30-2-202, 30-2-316, 30-2-326
  or return terms, 30-2-326
  parol, 30-2-202, 30-2-316, 30-2-326
  personal solicitation, presumption of time for redelivery of goods, 30-14-507
  preservation, 30-2-515
  unconscionability, 30-2-302
  usage of trade, 30-1-205, 30-2-202
  warranties, 30-2-316
Sales finance companies, production by, 31-1-211
Sanity, See **Mental state**
Savings and loan associations, See **Building and loan associations**
Savings banks, See **Banks and trust companies**
Scientific journals and treatises, hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803
Seals, authentication by, Title 26, chapter 10, M.R.Ev., Rule 902
Search and seizure
  admissibility, 46-5-104
  exclusionary rule, 46-13-302
  illegal seizures, 46-13-302
  protection of evidence by, 46-5-102, 46-5-203
  receipt, effect of failure to leave, 46-5-206, 46-5-303
  suppression when illegally seized, 46-13-302
Securities
  additional, 30-10-308
  certification of documents, 30-10-107
  exemptions, 30-10-106

EVIDENCE (Continued)

Securities (Continued)
    fiduciary, appointment, 30-10-405
    investigation, 30-10-304, 30-10-306
    restrictions on transfer to retain status as small business corporation presumed reasonable, 35-1-617
    signature, 30-8-105
    violations, 30-10-305
Self-incrimination, See **WITNESSES**
Serial number, possession as presumption of knowledge of obscuring, 45-6-326
Service of process
    affidavit of inquiry for personal service, Title 25, chapter 20, M.R.Civ.P., Rule 4D
    return, 25-3-302
Sexual offenses
    intercourse without consent, 45-5-503
        medical evidence, payment for, 46-15-411
    videotaped testimony
        admissibility, 46-15-401
        appearance of defendant, 46-15-401
        privacy, 46-15-403
        procedure, 46-15-402
Shield Law, Title 26, chapter 1, part 9, See **Privileges**
Signature, See also specific document signed
    authentication by, Title 26, chapter 10, M.R.Ev., Rule 902
    defined, 1-1-203
Small claims court, district court, 25-34-303
Small claims court, justice's court, 25-35-702
Sound recordings, presumption from possession of copies without consent of owner, 30-13-143
Speech pathologist-client privilege, See **Privileges**
Speech Pathologists and Audiologists, Board of — prima facie evidence of validity of documents, 37-15-202
Spouses, See **Married persons**
State land patents, copies as, 77-2-344
State of mind, malice or maliciously established by presumption, 1-1-204
State Tax Appeal Board
    appeal of decision, additional evidence, 15-2-303
    rules of evidence inapplicable, 15-2-301
    seal, judicial notice, 15-2-106
Statutes, See **Laws**
Statutes of fraud, See **STATUTES OF FRAUD**
Students, privileges, See **Privileges**
Subdivisions
    plats or copies thereof, as, 76-3-304
    sanitation rules, for, 76-4-104
Subpoenas, See also **SUBPOENAS**
    documentary evidence, of, Title 25, chapter 20, M.R.Civ.P., Rules 45(a), 45(b)
    witnesses, of, See **SUBPOENAS**
Subscribing witness, See also **INSTRUMENTS**, **Proof of execution**
    defined, 1-1-203
    testimony unnecessary, Title 26, chapter 10, M.R.Ev., Rule 903
Subsequent remedial measures, Title 26, chapter 10, M.R.Ev., Rule 407
Sufficiency, See **Weight and sufficiency of evidence**
Suggestive questions, See **Cross-examination of witness**, leading questions; **Examination of witness**, leading questions
Suppression
    appeal by state, 46-20-103
    confessions, 46-13-301
    exclusionary rule, 46-13-301, 46-13-302
    obstructing justice by, 45-7-303
    presumption created by, 26-1-602
    seizure, illegal — obtained by, 46-13-302
Supreme court, original proceedings in, Title 25, chapter 21, M.R.App.Civ.P., Rule 17
Surprise exclamation, 26-1-103; Title 26, chapter 10, M.R.Ev., Rule 803

EVIDENCE (Continued)

System, authentication, Title 26, chapter 10, M.R.Ev., Rule 901
Tampering with
  physical evidence, 45-7-207
  witnesses, 45-7-206
Taxation
  assessment, 15-8-709, 15-8-710, 15-16-504, 15-18-205
  business inventories, 15-24-403
  coal, market value, 15-35-108
  corporate taxes
    deficiency, 15-31-503
    delinquency, 15-31-541
    returns
      confidentiality, 15-31-507
      failure to file, 15-31-541
    reviver, 15-31-524
    suspension, forfeiture, or dissolution for delinquency, 15-31-523
  delinquency, 15-8-710, 15-16-502, 15-16-504, 15-18-205, 15-30-321
  equalization, 15-18-205
  gasoline taxes
    mailings, 15-70-103
    special fuel, deliveries, 15-70-324
  hogs, weight, 15-24-931
  income tax
    delinquency, 15-30-321
    records confidential, 15-30-303
  levy, 15-18-205
  metal mines, imputed value, 15-23-805
  ownership of property, 15-18-205
  railroads, description of property, 15-23-201
  redemption, 15-18-205
  right of possession upon tax sale, accrual, 15-18-309, 15-18-403
  state tax appeal board, See **State Tax Appeal Board**
  tax deed application notice, 15-18-202, 15-18-205
  tax sale notice, 15-17-102, 15-18-205
Teachers, privilege, See **Privileges**
Telephone conversations, authentication, Title 26, chapter 10, M.R.Ev., Rule 901
Television, privileges, See **Privileges**, media
Testimony, See **Examination of witness**
  admissibility, See **Admissibility**
  authentication, See **Authentication or identification**
  credibility of witness, See **Credibility of witness**
  cross-examination, See **Cross-examination of witness**
  effect, See **Weight and sufficiency of evidence**
  expert, See **Expert testimony**
  hearsay, See **Hearsay**
  immunity of witness, See **WITNESSES**
  opinion, See **Opinion testimony**
  party not bound, Title 26, chapter 10, M.R.Ev., Rule 608
  perjury, 45-7-201
  perpetuation, See **Perpetuation of testimony**
  presence in court, requirement to testify, 26-2-303
  privileges, See **Privileges**
  relevance, See **Relevance**
  "testify" defined, 1-1-202
  transcript of, See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**
  weight, See **Weight and sufficiency of evidence**
Theft
  concealment of merchandise, 46-6-501, 46-6-504
  possession of stolen property, 45-6-304
Third parties
  documents, 30-1-202
  obligation, evidence, 26-1-104

EVIDENCE (Continued)

Torts, voluntary payment of claim, See **Voluntary payment of claim**
Trademarks and service marks
  certificate of registration, 30-13-312
  self-authentication, Title 26, chapter 10, M.R.Ev., Rule 902
Traffic regulations
  bridges, violation of speed limit on — evidence of maximum speed, 61-8-313
  "yield" intersections, collision or interference at — evidence of failure to yield right-of-way, 61-8-342
Traffic violations, radar measurements of speed, 61-8-702
Transactional rule, 26-1-103
Transcript of testimony, admissibility, Title 25, chapter 20, M.R.Civ.P., Rule 80
Trust companies, See **Banks and trust companies**
Trust indentures, 71-1-318
Truthfulness of witness, See **Credibility of witness**
Unanswerable evidence, See **Conclusive evidence**
Unauthorized insurers, failure to defend action as prima facie evidence, 33-1-616
Unclaimed property, presumption, 70-9-201 — 70-9-208
Unfair trade practices
  access by department of commerce, 30-14-114, 30-14-221
  cost of doing business, presumption, 30-14-211
  cost survey, 30-14-210
  introduction by reference, 30-14-222
  investigative demand, 30-14-113
  private action, 30-14-133
Uniform Commercial Code
  "burden of establishing" defined, 30-1-201
  commercial paper, See **Commercial paper**
  investment securities, signature, 30-8-105
  letters of credit, notation credit, 30-5-108
  sales, See **Sales**
  third-party documents, 30-1-202
  usage of trade, 30-1-205
Uniform Judicial Notice of Foreign Law Act, Title 26, chapter 10, M.R.Ev., Rule 202
Uniform Rules of Evidence, Title 26, chapter 10, See **Rules of Evidence**
University system students
  domiciliary intent, 20-25-504
  presumption as to domicile and change in status, 20-25-503, 20-25-504
  rooms, emergency entry — evidence obtained during, 20-25-513
Unsolicited goods, presumption they are gift, 70-3-104
Usage of trade, See **Business**
Utilities
  classifications, effective date, 69-3-110
  lines, overhead — relocation hearings, 69-4-403
  nonpayment of fee, statements not filed, or lack of information — prima facie evidence of, 69-2-205
  rate cases, 69-2-102
  rates, tolls, and charges — effective date, 69-3-110
  underground conversion, special improvement district assessments
    ordinance as prima facie evidence, 69-4-327
    validity challenged, burden of proof to show invalidity, 69-4-333
Vegetables, infected — evidence of, 80-7-204
Veterinarians
  continuing education requirements, of, 37-18-307
  licensure, of qualifications for, 37-18-302, 37-18-305, 37-18-307
  practice of veterinary medicine
    prima facie evidence of, 37-18-102
    right to, prima facie evidence of, 37-18-307
Videotaped testimony, See **Sexual offenses**
Views of premises, 25-7-401
  criminal proceedings, 46-16-502
Vital statistics
  certificates, prima facie evidence, 50-15-109
  hearsay exception, Title 26, chapter 10, M.R.Ev., Rule 803

EVIDENCE (Continued)

Voice identification, Title 26, chapter 10, M.R.Ev., Rule 901
Voluntary acts, presumption of intent of consequences, 26-1-602
Voluntary payment of claim
  admission, payment is not, 26-1-703
  damages, effect, 26-1-703
  inadmissibility, 26-1-704; Title 26, chapter 10, M.R.Ev., Rule 409
  judgment, effect on, 26-1-706
  legislative intent, 26-1-701
  partial payment, 26-1-703
  "person" defined, 26-1-702
  settlement, effect on, 26-1-705
  waiver of claim, payment is not, 26-1-703
Volunteer firefighters' pension benefits, certificate of eligibility as proof of service, 19-12-403
Watercourse, presumption that depression is, 76-5-104
Water treatment plant operators, for certification without examination, 37-42-305
Water well contractors
  complaints, burden of proof on complainant, 37-43-311
  license applicants, qualifications, 37-43-304
Weight and sufficiency of evidence
  appeal, when insufficiency to be urged, Title 25, chapter 21, M.R.App.Civ.P., Rule 9
  burdens of proof, See **Burdens of proof**
  dismissal for insufficiency, 46-16-403
  findings of fact, question of sufficiency when tried by court, Title 25, chapter 20, M.R.Civ.P., Rule 52(b)
  jury to judge, 26-1-203
    instructions to jury, 26-1-303, 26-1-403
  new trial when insufficient, 25-11-102
  preliminary evidence, Title 26, chapter 10, M.R.Ev., Rule 104
  presumptions, when inconsistent, Title 26, chapter 10, M.R.Ev., Rule 301, See also **Presumptions**
  "proof" defined, 26-1-101
  relevance, exclusion of relevant evidence, Title 26, chapter 10, M.R.Ev., Rule 403
  witnesses, number necessary to prove a fact, 26-1-301
    false swearing, 45-7-202
    perjury, 26-1-301, 45-7-201
    treason, 26-1-301, 46-16-202
Weights, measures, and grades
  existence of device, presumption, 30-12-506
  offenses, 30-12-210, 30-12-506
Witnesses, See **WITNESSES**
Writings and recordings
  accuracy, presumption, 26-1-601
  admission, proof by, Title 26, chapter 10, M.R.Ev., Rule 1007
  affidavits, See **Affidavits as evidence**
  alterations, 26-1-106
  ancient documents
    authentication, Title 26, chapter 10, M.R.Ev., Rule 901
    genuineness, presumption, 26-1-602
    handwriting comparison, 26-1-108
    hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
  authentication, See **Authentication or identification**
  books, See **Books**
  certificate of recording officer, 26-1-102
  collateral evidence, original unnecessary, Title 26, chapter 10, M.R.Ev., Rule 1004
  consideration, presumption, 26-1-601, 26-1-602, 28-2-804
  construction
    issue of law, 26-1-201
    peculiar, evidence on, 1-4-107
  copies
    admissibility, Title 26, chapter 10, M.R.Ev., Rule 1003

EVIDENCE (Continued)

Writings and recordings (Continued)
  copies (Continued)
    defined, Title 26, chapter 10, M.R.Ev., Rule 1001
    public records, 2-6-102, 2-6-111; Title 26, chapter 10, M.R.Ev., Rule 1005
  court, determination on admissibility, Title 26, chapter 10, M.R.Ev., Rule 1008
  date, presumption of correctness, 26-1-602
  decedent, of, 26-1-607
  definitions, 1-1-203; Title 26, chapter 10, M.R.Ev., Rule 1001, See also **DEFINITIONS USED IN MONTANA CODE ANNOTATED**
  deposition, proof by, Title 26, chapter 10, M.R.Ev., Rule 1007
  duplicate
    admissibility, Title 26, chapter 10, M.R.Ev., Rule 1003
    defined, Title 26, chapter 10, M.R.Ev., Rule 1001
  execution, admission, 26-1-107
  existence of document, burden of proof when denied, 26-1-402
  foreign documents, authentication, Title 26, chapter 10, M.R.Ev., Rule 902
    nonexpert opinion, Title 26, chapter 10, M.R.Ev., Rule 901
  handwriting
    ancient documents, comparison, 26-1-108
    nonexpert opinion, Title 26, chapter 10, M.R.Ev., Rule 901
  hearsay exceptions, Title 26, chapter 10, M.R.Ev., Rule 803
  memory, to aid, Title 26, chapter 10, M.R.Ev., Rule 612, 803
  official, See **Official acts and writings**
  original
    defined, Title 26, chapter 10, M.R.Ev., Rule 1001
    destroyed, Title 26, chapter 10, M.R.Ev., Rule 1004
    lost, Title 26, chapter 10, M.R.Ev., Rule 1004
    possession of opponent, Title 26, chapter 10, M.R.Ev., Rule 1004
    required, Title 26, chapter 10, M.R.Ev., Rule 1002
    unnecessary, Title 26, chapter 10, M.R.Ev., Rules 1004, 1007
    unobtainable, Title 26, chapter 10, M.R.Ev., Rule 1004
  partial introduction, Title 26, chapter 10, M.R.Ev., Rule 106
  proof, Title 26, chapter 10, M.R.Ev., Rule 1007, See also **Authentication or identification**
  public printing, presumption, 26-1-602
  public records, See **Public records**
  refusal to produce, no privilege, Title 26, chapter 10, M.R.Ev., Rule 501, See **Privileges**
  signature, See **Signature**
  summaries, Title 26, chapter 10, M.R.Ev., Rule 1006
  terms, presumption of use, 1-4-107
  testimony, proof by, Title 26, chapter 10, M.R.Ev., Rule 1007
  truth of facts recited, presumption, 26-1-601
  value, presumption, 27-1-304
Youth court, See **YOUTH COURT**
Zoning
  county board of adjustment appeal hearings, for, 76-2-227
  municipal board of adjustment appeal hearings, for, 76-2-327

EVIDENCE, RULES OF, Title 26, chapter 10

  See **EVIDENCE**, generally

EXAMINERS, BOARD OF

Allocation, 2-15-1007
Bond issues, duties, See **BOND ISSUES, PUBLIC**
Buildings, construction — duties, See **CAPITOL AND OTHER STATE BUILDINGS**
Claims for disbursements, unliquidated
  abstract and list, publication, 17-8-223, 17-8-224
  appeals by aggrieved persons, 17-8-226
  conflict of interest prohibited, 17-8-225

EXAMINERS, BOARD OF (Continued)

Claims for disbursements, unliquidated (Continued)
  disapproval, appeal from, 17-8-226
  examination, 17-8-224
    notice requirement, 17-8-223
  meetings, time, 17-8-223
  powers of board, restrictions, 17-8-225
  presentation, 17-8-221
  records of proceedings, 17-8-222
  reports, 17-8-224
  transmittal, 17-8-202, 17-8-226
  verification, 17-8-221
  witnesses, 17-8-222
Coal severance tax bonds, duties, See **BOND ISSUES, PUBLIC**
Composition, 2-15-201, 2-15-401, 2-15-501, 2-15-1007
Conflict of interest prohibited when, 17-8-225
Depositions taken by, 17-8-222
Disbursement claims, See **Claims for disbursements, unliquidated**
Eastern Montana College construction bonds, duties, 20-25-432, 20-25-433
Employment security building bonds, duties, See **BOND ISSUES, PUBLIC**
Highway general obligation bonds, duties, See **BOND ISSUES, PUBLIC**
Long-range building program bonds, duties, See **BOND ISSUES, PUBLIC**
Meetings, 2-15-1007
Montana State University construction bonds, duties, 20-25-432, 20-25-433
Notes, tax and revenue anticipation — issuance, 17-1-201
Officers, 2-15-1007
Refunding bonds, duties, See **BOND ISSUES, PUBLIC**
Regents of Higher Education, Board of — bond requests or agreements, 20-25-432, 20-25-433
Renewable resource development projects, authority, See **RENEWABLE RESOURCE DEVELOPMENT**
Subpoena power, 17-8-222
Unliquidated claims, See **Claims for disbursements, unliquidated**
Warrants, state — payment prohibited when, 17-8-307
Water development bonds, duties, See **BOND ISSUES, PUBLIC, Coal severance tax bonds**
Witnesses for, 17-8-222

EXCAVATIONS

  See **REAL PROPERTY**

EXCEPTIONAL CHILDREN

  See **SCHOOLS, Special education**, generally

EXCEPTIONS

  See **CIVIL PROCEDURE**

EXCHANGES

  See **SALES**

EXCISE TAXES

  See **TAXATION, Privilege taxes**

EXCITED UTTERANCE

  See **EVIDENCE**

EXCLUSIONARY RULE, 46-13-301, 46-13-302

EX-CONVICTS OR FELONS

See **OFFENDERS, FORMER**

EXECUTION

See also **ATTACHMENT OF PROPERTY; CRIMINAL PROCEDURE, Judgment; DEATH PENALTY; JUDGMENTS AND DECREES**, generally

Aging persons, effect on exemptions, 25-13-602, 25-13-617
Appeals, for costs, 25-10-503
Applicability of laws
  attachment, 25-13-501, 25-13-503, 25-13-504, 27-18-102, 27-18-801, 27-18-802
  bail forfeitures, 46-9-504
  bankruptcy, 31-2-106
  bulk transfers, exclusion, 30-6-103
  claim and delivery, 27-17-404
  criminal fines, 46-19-102
  deposition law, Title 25, chapter 20, M.R.Civ.P., Rule 69
  fines, 46-19-102
  money, order to pay as judgment, 25-13-204
  partition sales, 70-29-301
  public officers, garnishment, 25-13-504
  rules of civil procedure, Title 25, chapter 20, M.R.Civ.P., Rule 69
  sale of real property under court order, 70-21-206
  tax delinquencies, 15-1-701, 15-1-706, 15-1-707, 15-16-113, 15-16-401
Assigned counsel, upon nonpayment of costs by defendant, 46-8-115
Attachment
  applicability of laws, 25-13-501, 25-13-503, 25-13-504, 27-18-102, 27-18-801, 27-18-802
  priority, 27-18-903
  property under, subject to execution, 25-13-501, 27-18-903
  public officers, garnishment as, 25-13-504
  satisfaction of judgment by, 27-18-903, 27-18-905, 27-18-906
  third party claims, proceedings, 25-13-503
Attorney general, duties, 2-15-501
Availability of property, determination
  answer of judgment debtor concerning property, 25-14-101, 25-14-102, 25-14-304, 25-14-305
  arrest of judgment debtor, 25-14-102
  contempts, 25-14-108
  debts owed to judgment debtor, 25-14-103
    denial, 25-14-104
  holders of judgment debtor's property, 25-14-103, 25-14-104
  order to apply property, 25-14-107
    disobedience, 25-14-108
  receiver, appointment, See **Receivers**
  rules of civil procedure, Title 25, chapter 20, M.R.Civ.P., Rule 69
  title of receiver, relation back, 25-14-205
  withholding property, answer, 25-14-102
  witnesses
    contempt, 25-14-108
    immunity to criminal proceedings, 25-14-106
    testimony required, 25-14-105
Bail, when forfeited, 46-9-504
Bankruptcy, applicability of laws, 31-2-106
Bulk transfers, exclusion, 30-6-103
Child support debts, for, See **CHILD SUPPORT, Administrative enforcement**, generally
Claim and delivery, applicability of laws, 27-17-404
Clerk of the district court, powers and duties, See **CLERK OF THE DISTRICT COURT**
Condominiums, 70-23-702
Contribution, right to, 25-13-104

EXECUTION (Continued)

Corporations, liquidation when unsatisfied, 35-1-921
Costs, officer's — for, 25-10-406
Counties or county officers, judgment against, 25-13-205, 25-31-1111
County clerk and recorder, duties, See **COUNTY CLERK AND RECORDER**
County sheriff, duties, See **COUNTY SHERIFF**
County treasurer, duties, See **COUNTY TREASURER**
Criminal judgments, See **CRIMINAL PROCEDURE, Judgment**
Death of party, effect, 25-13-103
Delivery of possession of property
  judgment requiring, 25-13-203
  writ
    enforcement by, 25-13-201
    requirements, 25-13-307
Depositions, applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 69
Deposits in court, 25-13-203
Distraint, warrant for — upon, 15-1-701, 15-1-706, 15-1-707, See **REVENUE, DEPARTMENT OF, Distraint, warrant for**
Docketing of satisfaction, 25-9-311
Eminent domain, for assessment, 70-30-308
Estates at will, 70-15-206
Exemptions from
  aging persons, to, 25-13-602, 25-13-617
  arms, 25-13-613
  assignment for benefit of creditors, effect, 31-2-227
  bankruptcy, applicability of laws, 31-2-106
  bulk transfers, exclusion, 30-6-103
  cemeteries, 25-13-613, 35-20-217
  clothing, 25-13-611
  condominiums, 70-23-702
  cooperative association, shares in, 35-15-404
  earnings, 25-13-614
  fire company or department property, 25-13-613
  fire department relief association benefits, 19-11-612
  furniture, 25-13-611 — 25-13-613
  game wardens' retirement funds or benefits, 19-8-805
  governmental functions, property for, 25-13-613
  hail insurance benefits, 80-2-245
  highway patrolmen's retirement funds or benefits, 19-6-705
  homesteads, 25-13-615, 70-32-201, See **REAL PROPERTY, Homesteads**
  household property, 25-13-611
  insurance benefits
    annuity contracts, 33-15-514
    disability, 33-15-513
    group life, 33-15-512
    life, 25-13-616, 33-15-511
  judges' retirement funds or benefits, 19-5-704
  libraries, 25-13-612, 25-13-613
  life insurance benefits, 25-13-616, 33-15-511
  livestock, feed, and tack, 25-13-611, 25-13-612
  machinery, 25-13-612, 25-13-613
  marriage, effect, 25-13-602, 25-13-611 — 25-13-613, 25-13-616
  motor vehicle financial responsibility, moneys or securities for proof of — when, 61-6-138
  partnership interest, 35-10-502, 35-10-505
  personal effects, 25-13-611
  persons over 60 years of age, 25-13-602, 25-13-617
  police officers' retirement benefits, 19-9-1006, 19-10-504
  profession, property to carry on, 25-13-612
  public buildings, 25-13-613
  public employees' retirement fund or benefits, 19-3-105
  residency, effect, 25-13-611 — 25-13-613, 25-13-616
  sheriffs' retirement funds or benefits, 19-7-705
  single persons, status, 25-13-602, 25-13-611 — 25-13-613, 25-13-616

EXECUTION (Continued)

Exemptions from (Continued)
- teachers' retirement funds or benefits, 19-4-706
- tools of trade, 25-13-612
- tort claims or judgments, 2-9-318
- utilities, rural cooperatives — private property of members, 35-18-302
- vehicles, 25-13-612, 25-13-613, 25-13-617
- wages, 25-13-614
- waiver in unsecured not unenforceable, 25-13-601
- weapons, 25-13-613

Fee for issuance, 25-1-201
Fines, applicability of laws, 46-19-102
Fire hazards, order to repair or demolish, 50-62-107
Fraudulent conveyance, remedy, 31-2-321
Gold dust, treated as payment of money, 25-13-501
Grazing district preferences, when, 76-16-405
Homesteads, 70-32-202, See **REAL PROPERTY**, **Homesteads**
Imprisonment of judgment debtors
- discharge
  - application, 25-14-302
  - effect, 25-14-309 — 25-14-312
  - hearing, 25-14-304
  - interrogatories by plaintiff, 25-14-305
  - judgment unaffected, 25-14-310
  - notice of application, 25-14-302
    - service, 25-14-303
  - oath by prisoner, 25-14-306
  - order, 25-14-307
  - plaintiff's request for, 25-14-311
  - reapplication, 25-14-308
  - support of prisoner, discharge upon failure of plaintiff to advance, 25-14-312
  - when, 25-14-301, 25-14-311, 25-14-312
- exemption, 25-14-309, 25-14-311
- issuance of execution, 25-13-201
- undertaking, for failure to enter, 25-14-102
- writ, requirements, 25-13-308

Indebtedness
- payment in satisfaction of execution, 25-13-502
- subject to execution, 25-13-501

Insurance policies, 33-15-306
Insurers
- levying against insurer, prevention when, 33-2-1309, 33-2-1386
- lien obtained by, 33-2-1353
- liquidator, powers, 33-2-1345

Joint debtors
- contribution, right to, 25-13-104
- surety, right to repayment, 25-13-104

Judgment for, 25-13-102
Justices' courts, See **JUSTICES' COURTS**
Laws applicable, See **Applicability of laws**
Levy required to effect, 25-13-501
Liens
- officers, special lien, 71-3-1503
- real property, judgment of, 25-13-305
- salaries and wages, priority, 71-3-303, 71-3-305

Livestock, taking possession by, 81-8-311, 81-8-313 — 81-8-315
Mandamus, upon, 27-26-402
Marriage
- exemptions, effect upon, 25-13-602, 25-13-611 — 25-13-613, 25-13-616
- redemption, spouse's involvement, See **Redemption**, spouse

Masters, entitlement for compensation, Title 25, chapter 20, M.R.Civ.P., Rule 53(a)
Mausoleum-columbarium property, 35-21-406
Money, gold dust as, 25-13-501

EXECUTION (Continued)

Money judgments
  disobedience to judgment, 25-13-203
  justice's court, 25-31-1102
  nonpayment of money collected, statute of limitations on recovery, 27-2-209
  order for payment, applicability of laws, 25-13-204
  surety, subrogation, 25-13-105
  writ of execution to enforce, 25-13-201, 25-13-301
Mortgages, effect on exemptions, 25-13-611 — 25-13-613, 25-13-616
Motion for, 25-13-102
Motor vehicle compensation, fees, or charges as lien — effect of execution, 69-12-422
Municipal court, 25-30-101
Notices
  redemption, 25-13-806
  revival of judgment, 25-13-713
  sale of property, 25-13-701 — 25-13-703
Partition sales, applicability of laws, 70-29-301
Partnership interest, 35-10-502, 35-10-505, 35-10-506
Perishable property
  appeal, effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 7
  sale, notice, 25-13-701
Personal property
  possession, judgment for, 25-13-201, 25-13-203, 25-13-307
  priority, 25-13-304
  representative, property in the hands of, 25-13-306
  sale, See also **Sale of property**
    notice, 25-13-701
    order of sale, 25-13-704
Person of judgment debtor
  issuance of execution for, 25-13-201
  writ, requirements, 25-13-308
Possession of property, judgment for, See **Delivery of possession of property**
Principal debtor, priority, 25-13-302
Priorities
  attachment, judgments recovered on, 27-18-903
  delivery of property and sale of property, 25-13-307
  personal property and real property, 25-13-304, 25-13-307
  person and property, 25-13-201
  principal debtor and surety, 25-13-302
Property subject to, 25-13-501, See also **Availability of property**; **Perishable property**; **Personal property**; **Real property**
  selection by judgment debtor, 25-13-402, 25-13-704
Public officers, garnishment — applicability of laws, 25-13-504
Real property
  condominiums, 70-23-702
  conveyance, judgment requiring, 25-13-203
  eminent domain, for assessment, 70-30-308
  estates at will, 70-15-206
  homesteads, 70-23-202, See **REAL PROPERTY**
  lien, judgment for, 25-13-305
  partition sales, applicability of laws, 70-29-301
  possession, judgment for, 25-13-201
  priority, 25-13-304
  redemption, See **Redemption**
  representative, property in hands of, 25-13-306
  sale on execution, See **Sale of property**
  sale under court order, applicability of laws, 70-21-206
  writ, requirements, 25-13-305
Receivers, See also **RECEIVERS**, generally
  appointment
    order to be filed, 25-14-202, 25-14-204
    when, 25-14-201, 27-20-102
  bona fide purchaser, 25-13-205

EXECUTION (Continued)

Receivers (Continued)
- contempts, 25-14-108
- notice, 25-14-201
- oath, 25-14-203
- title of receiver, relation back, 25-14-205
- undertaking, 25-14-203
- vesting of property when, 25-14-204
- witnesses, 25-14-105, 25-14-106

Redemption
- accounting, 25-13-822
- amount, 25-13-802 — 25-13-805
- assessments, notice, 25-13-806
- bail forfeitures, upon, 46-9-504
- certificate of redemption, 25-13-809
- certificate of sale, statement in, 25-13-711
- conveyance
  - execution, 25-13-811
  - when, 25-13-810
- corporate stockholder, by, 25-13-801, 25-13-804
- damages for injury to property, 25-13-825
- eligibility, 25-13-710
- extension of time, 25-13-822
- injunctions, 25-13-823, 25-13-824
- liens, notice, 25-13-806
- maintenance of property, 25-13-823
- notice, 25-13-806
  - conveyance, of, 25-13-810
- papers required, 25-13-807
- partnership interest, 35-10-505
- payment to whom, 25-13-808
- possession during redemption period, 25-13-821
- property subject to, 25-13-710
- qualifications of redemptioner, 25-13-801
- "redemptioner" defined, 25-13-801
- rents and profits, 25-13-822
- spouse
  - certificate of redemption, 25-13-809
  - redemption by, 25-13-801, 25-13-803
    - effect, 25-13-809
  - redemption from, 25-13-805
- subsequent redemption, 25-13-803
- taxes, notice, 25-13-806
- time limit, 25-13-802, 25-13-810, 25-13-822
- waste of property, 25-13-823 — 25-13-825

Repayment to surety, 25-13-104, 25-13-105

Representative
- counterclaim, effect, 25-4-402
- enforcement by, 25-13-103
- property in hands of, 25-13-306

Residency, effect on exemptions, 25-13-611 — 25-13-613, 25-13-616

Return, 25-9-311

Revival of judgment, 25-13-713

Rules of Civil Procedure, Title 25, chapter 20, M.R.Civ.P., Rule 69

Sale of property
- applicability of laws, 25-13-501, 27-17-404
- attachment, balance of judgment due, 27-18-903, 27-18-905, 27-18-906
- certificate of sale, 25-13-708, 25-13-709, 25-13-711, 25-13-714
- conveyance, 25-13-810, 25-13-811
- damages, 25-13-825
- deed, 25-13-714
- defect, 25-13-713, 25-13-714

EXECUTION (Continued)

Sale of property (Continued)
  execution by
    judgment, 25-13-202
    writ, 25-13-402
  fire hazards, salvage sale, 50-62-107
  grain, for satisfaction of hail insurance liens, 80-2-231
  injunction, 25-13-824
  livestock
    range stock running at large, 81-8-315
    stolen, vehicles used to transport — applicability of provisions, 81-5-106
    trespassing, 81-4-307
  manner of conducting, 25-13-704
  manual delivery, property capable of
    conveyance, 25-13-708
    view of sale participants, 25-13-704
  manual delivery, property not capable of — conveyance, 25-13-709
  motor vehicle certificate of ownership, transfer of interest, 61-3-201
  notice, 25-13-701
    destruction of notice, 25-13-702
    penalty for sale without notice, 25-13-702
    postponement, 25-13-703
  order of sale, 25-13-704
  payment, refusal by purchaser, 25-13-705
    liability of officer, 25-13-707
    subsequent bids, rejection, 25-13-706
  possession during redemption period, 25-13-821
  postponement, 25-13-703
  proceeds
    application, 25-13-202
    excess, 25-13-402
    restitution from, Title 25, chapter 21, M.R.App.Civ.P., Rule 15
    security interest, property subject to, 25-13-712
  real property
    certificate of sale, 25-13-711
    conveyance, 25-13-810, 25-13-811
    damages, 25-13-825
    defect, 25-13-713, 25-13-714
    injunction, 25-13-824
    redemption, subject to, 25-13-710, See **Redemption**
    validation, 25-13-714
    what interest transferred, 25-13-710
  recovery, 25-13-713
  redemption, See **Redemption**
  resale, 25-13-705, 25-13-707
  revival of judgment, 25-13-713
  security interest, property subject to, 25-13-712, See also **SECURED TRANSACTIONS, Enforcement sales**
  selection of property to be sold, 25-13-402, 25-13-704
  sheriff's sale, 25-13-714
  validation, 25-13-714
  warranty, 30-11-222
  what may be sold, 25-13-402, 25-13-704
Securities, upon, 25-13-501
Security interest, upon property subject to, 25-13-505, 25-13-506, 25-13-712, See also **SECURED TRANSACTIONS, Enforcement sales**
Senior citizens, exemption status, 25-13-602, 25-13-617
Sheriff's sale, See **Sale of property**
Small claims court
  district court, 25-34-404
  justice's court, 25-35-807
Specific performance, of, 25-13-203; Title 25, chapter 20, M.R.Civ.P., Rule 70
Statutes applicable, See **Applicability of laws**

EXECUTION (Continued)

Stay of execution when, Title 25, chapter 20, M.R.Civ.P., Rule 62(b); Title 25, chapter 21, M.R.App.Civ.P., Rule 7
  foreign judgment, injunction not permitted, 27-19-103
  limited jurisdiction, appeal from court of, 25-33-201, 25-33-204
Subrogation, 25-13-105
Supplemental proceedings, See **Availability of property**
Surety
  contribution, 25-13-104
  principal debtor to be levied first, 25-13-302
  repayment, 25-13-104
  subrogation, 25-13-105
Tax delinquencies, applicability of laws, 15-1-701, 15-1-706, 15-1-707, 15-16-113, 15-16-401
Third party claims, 25-13-503, 25-13-704
Time limit, 25-13-101, 25-13-102
Writ, See also **WRITS**, generally
  contents, 25-13-301
  costs, security for, 25-13-403
  delivery of possession of property, when required, 25-13-201, 25-13-307, 25-13-401
  execution, 25-13-402
  form, 25-13-301
  issuance, 25-13-101, 25-13-301, 25-13-401
  lien on real property, effect, 25-13-305
  money, when judgment for, 25-13-201
  multiple defendants, 25-13-303
  originals, destruction or mutilation, 25-13-405
  person of judgment debtor, when writ against, 25-13-201, 25-13-308
  principal debtor, priority over surety, 25-13-302
  priorities stated in writ between
    delivery of property and sale of property, 25-13-307
    personal property and real property, 25-13-304, 25-13-307
    person and property, 25-13-201
    principal debtor and surety, 25-13-302
  property, order of resort, 25-13-201, 25-13-304
  railroads, grain elevators or warehouses along — easement granted by, 69-14-904
  range stock running at large, sale under, 81-8-315
  recording of return, 25-13-405
  representative, when property in the hands of, 25-13-306
  return of execution, 25-13-404, 25-13-405
  sale of property, when judgment requires, 25-13-202
  seal, 25-13-301
  security for costs, 25-13-403
  surety, priority, 25-13-302
  time for issuance, 25-13-101

EXECUTIVE BRANCH

  See also **STATE AGENCIES**, generally

Administrative rules and procedure, See **ADMINISTRATIVE PROCEDURE; ADMINISTRATIVE RULES**
Advisory councils, 2-15-122
Agencies
  abolition
    existing transactions, rights and duties, 2-15-135
    legal proceedings, effect on, 2-15-134
    legislative review, from, 2-8-121
    procedures following, 2-19-101, 2-19-102
    references, 2-15-136
  accounting system, See **STATE FINANCE**
  administratively created, prohibited, 2-15-123
  allocation, 2-15-121, 2-15-125
  antiquities, duties concerning, See **ANTIQUITIES, State agencies**

EXECUTIVE BRANCH (Continued)

Agencies (Continued)
  authority, legislative intent regarding, Title 5, chapter 4, part 4, See **LEGISLATURE, Legislative History Act**
  biennial reports, See **Reports**
  debt collection, See **STATE DEBT COLLECTION SERVICE**
  defined, 2-15-102
  defunct, procedures for, 2-19-101, 2-19-102
  departmental responsibilities, 2-15-121
  department heads, responsibilities, 2-15-121
  existing transactions, rights and duties, 2-15-135
  federal assistance programs, See **STATE FINANCE, Federal assistance**
  fiscal affairs, See **STATE FINANCE**, generally
  functions and duties, 2-15-121
  future, 2-15-125
  investments, board of — assistance by, 17-6-201
  legal proceedings, 2-15-134
  property, 2-15-132, 2-17-202, 2-19-102, 18-6-101 — 18-6-103, See also **STATE GOVERNMENT**
  reports by, See **Reports**
  review, See **Legislative review**
  rules and orders, 2-15-133
  salary commission, reports requested by, 2-16-402
  statewide classification and pay plans, applicability to agency heads, 2-18-103
  sunset law, See **Legislative review**
  termination, 2-19-101, 2-19-102, See also **Legislative review**
  transfer of functions
    existing transactions, rights and duties, 2-15-135
    legal proceedings, effect on, 2-15-134
    references, 2-15-136
    rights to property, 2-15-132
    rules and orders, 2-15-133
  treasurer for, 17-6-105
Attorney general, See **ATTORNEY GENERAL**
Auditor, State, See **STATE AUDITOR**
Audits, performance, See **Legislative review**
Blue-collar occupations, wages, See **PUBLIC EMPLOYEES, Classification; Compensation determination**
Boards
  quasi-judicial, 2-15-124
  statewide classification and pay plans, applicability, 2-18-103
Budgets, See generally **BUDGET AND BUDGETING; BUDGET DIRECTOR**
Bureaus, 2-15-104
Code of ethics, See **CODE OF ETHICS**
Definitions, 2-7-101, 2-8-102, 2-15-102, 2-19-101
Department heads, See also **Directors**
  advisory councils, creation, 2-15-122
  agencies allocated to, See **Agencies**, generally
  appointment, 2-15-111
  defined, 2-15-102
  legislative proceedings, fee exemption, 5-11-214
  powers and duties, 2-15-112
  prior right to agencies and records, 2-15-113
  qualifications, 2-15-111
  removal, 2-15-111
  vacancy in office, 2-15-111
Departments
  agencies allocated to, See **Agencies**, generally
  defined, 2-15-102
  enumeration, 2-15-104
  heads, See **Department heads**
  session laws, copies to, 5-11-203
  structure, 2-15-104, 2-15-112

EXECUTIVE BRANCH (Continued)

- **Directors**, See also **Department heads**
  - appointment, 2-15-111
  - defined, 2-15-102
  - qualifications, 2-15-111
  - removal, 2-15-111
  - vacancy in office, 2-15-111
- **Discriminatory employment practices justifiable when**, 49-2-308, See also **DISCRIMI-NATION, Government, state and local**
- **Divisions**, 2-15-104
- **Elective officials**, See also **PUBLIC OFFICERS**, generally
  - federal assistance programs, application for funds, 17-3-104
  - journals, house and senate — copies to, 5-11-203
  - legislative proceedings, fee exemption, 5-11-214
  - personal staff
    - limitation, 2-18-104
    - statewide classification and pay plans, exemptions limited, 2-18-104
  - public employees' retirement system, applicability, 19-3-403
  - records of, See **PUBLIC RECORDS, Executive branch officers**
  - reports by, See **Reports**
  - salary commission recommendations to, 2-16-402
  - session laws, copies to, 5-11-203
  - statewide classification and pay plans, applicability, 2-18-103
- **Ethics, code of**, See **CODE OF ETHICS**
- **Federal aid**, conflicts regarding, 2-15-137
- **Fiscal affairs**, See **STATE FINANCE**
- **Governor**, See **GOVERNOR**
- **Impeachment**, officers subject to, Title 5, chapter 5, part 4, See **IMPEACHMENT**
- **Incentive program for employees**, See **PUBLIC EMPLOYEES**
- **Legislative review**
  - criteria for, 2-8-112
  - definitions, 2-8-102
  - future regulatory agencies, 2-8-104
  - hearings, 2-8-113
  - prereview agency responsibilities, 2-8-111
  - purpose, 2-8-101
  - reestablishment of agency, 2-8-122
  - report, 2-8-112
  - termination of agencies
    - effect, 2-8-121
    - future regulatory agencies, 2-8-104
    - july 1, 1979, 1981, 1983, 1985, 1987 — enumeration, 2-8-103
    - recommendations for, 2-8-112, 2-8-113
- **Lieutenant Governor**, See **LIEUTENANT GOVERNOR**
- **Nepotism**, See **NEPOTISM**
- **Office space**, See **CAPITOL AND OTHER STATE BUILDINGS**
- **Organization**
  - definitions, 2-15-102
  - federal aid, conflicts regarding, 2-15-137
  - purpose of provisions, 2-15-101
  - rights
    - property, to, 2-15-132
    - state personnel, of, 2-15-131
  - transfer of functions, See **Agencies**, abolition; transfer of functions
- **Performance audits**, See **Legislative review**
- **Policies**, administration, 2-15-103
- **Printing**, See **PRINTING**
- **Printing Control Act, State**, Title 18, chapter 7, part 3, See **PRINTING, State printin control**
- **Property**
  - defunct agencies, 2-19-102
  - sale or interagency transfer, 18-6-101 — 18-6-103

EXECUTIVE BRANCH (Continued)

Publications library distribution center, See **LIBRARIES**, **State publications library distribution center**
Purchase of goods and services, See **STATE PURCHASING**
Quasi-judicial boards, See **Boards**
Records management and preservation, See **PUBLIC RECORDS**, **Management**
Reorganization, See generally **Agencies**, abolition; transfer of functions; **Organization**
Reports
    by state agencies
        biennial, 2-7-102
        contents, 2-7-102
        definitions, 2-7-101
        filing, 2-7-102
        publication and distribution, 2-7-102
    to governor, See **GOVERNOR**
Review
    by governor, 2-7-103
    legislative, See **Legislative review**
Rules, authorization for adoption, Title 5, chapter 4, part 4, See **LEGISLATURE**, **Legislative History Act**
Secretary of State, See **SECRETARY OF STATE**
Sections, 2-15-104
State Auditor, See **STATE AUDITOR**
State Printing Control Act, State, Title 18, chapter 7, part 3, See **PRINTING**, **State printing control**
Structure
    departments, See **Departments**
    generally, 2-15-104
    policy of state, 2-15-101
Sunset law, See **Legislative review**
Superintendent of Public Instruction, See **SUPERINTENDENT OF PUBLIC INSTRUCTION**

EXECUTIVE CLEMENCY

See **PROBATION, PAROLE, AND CLEMENCY**

EXECUTIVE REORGANIZATION, Title 2, chapter 15

See **EXECUTIVE BRANCH**, **Organization**, generally

EXECUTOR

See **ESTATES AND PROBATE PROCEEDINGS**, **Personal representative**

EXEMPLARY DAMAGES

See **DAMAGES**

EXEMPTIONS FROM EXECUTION

See **EXECUTION**

EXHIBITS

See **EVIDENCE**, generally

EX-OFFENDERS

See **OFFENDERS, FORMER**

EXPERIMENT STATIONS

See **MONTANA STATE UNIVERSITY, Agricultural experiment station**
UNIVERSITY OF MONTANA, Forest and conservation experiment station

EXPERT WITNESSES

See **EVIDENCE, Expert testimony**

EXPLOSIVES

Applicability of laws, 50-38-103
  educational laboratories, 50-38-104
  fire departments, 50-38-105
  local ordinances, 50-38-102
  military forces, 50-38-105
  police forces, 50-38-105
  transportation, 50-38-105
Beaver dam destruction, for, 87-1-224
Blasting caps, storage, 50-38-207
Criminal charges, See **Violations**
Death caused by violation, 50-38-107
Definitions, 45-8-332, 50-38-101, 61-1-506
Detonators, storage, 50-38-207
Educational institutions, applicability of laws, 50-38-104
Exemptions from regulation, 50-38-104
Factory buildings, See also **Storage**
  containers for explosives, 50-38-205
  defined, 50-38-101
  location, 50-38-211
Fire departments, exemption from provisions, 50-38-105
Fire marshal, duties, See **FIRE MARSHAL BUREAU**
Fire or matches prohibited near magazine, 50-38-222
Fireworks, See **FIREWORKS**
Fish, use in taking unlawful, 87-1-102, 87-2-806, 87-3-206
Geophysical exploration, use in, 82-1-101, 82-11-122
Highways
  defined, 50-38-101
  storage near, 50-38-214, 50-38-233, See also **Storage**
Local ordinances, effect, 50-38-102
Magazines, See **Storage**
Military forces, applicability of laws, 50-38-105
Mines
  storage in, 50-38-203
  use in operations, 82-4-222, 82-4-231
Minors, unlawful to, 41-5-206, 45-5-623, 50-38-302
Nitroglycerine, misrepresentation of percentage, 50-38-108
Offenses, See **Violations**
Penalties, See **Violations**
Police, exemption from provisions, 50-38-105
Powder magazines, See **Storage**
Quantity and distance table, See **Storage**
Railroads
  defined, 50-38-101
  storage near, 50-38-214, 50-38-233, See also **Storage**
  transporting, unlawful when, 50-38-105, 50-38-303, 69-14-562, See also **Transportation**
Records required, 50-38-301
Rulemaking authority, 50-3-102, 50-3-103
Sale
  minors, unlawful to, 45-5-623, 50-38-302
  records, 50-38-301
Scope of provisions, 50-38-102, See also **Applicability of laws**
Seismic operations, use in, 82-1-101, 82-11-122

EXPLOSIVES (Continued)

State buildings, threat of explosives in, 50-3-102
Storage
    certificate of compliance
        cancellation, 50-38-233 — 50-38-235
        contents, 50-38-232
        issuance, 50-38-213, 50-38-232
        modification, 50-38-233
        term, 50-38-234
        two second-class magazines, for, 50-38-213
    cities, in, 50-38-204
    containers required, 50-38-205
    entry to area, who may have, 50-38-201
    firearms, use near, 50-38-202
    license fee, 50-38-235
    magazines
        classes, 50-38-221
        construction, 50-38-204, 50-38-222, 50-38-223
        definition, 50-38-101
        first class, 50-38-211, 50-38-222
        inspection, 50-38-232
        location, 50-38-204, 50-38-211, 50-38-213
        report to fire marshal, 50-38-231
        required, 50-38-206
        second class, 50-38-221, 50-38-223
        security, 50-38-201, 50-38-222, 50-38-223
    maximum quantity allowable for storage, 50-38-215, 50-38-235
    mines, in, 50-38-203
    quantity and distance table, 50-38-211 — 50-38-215
    reduction of distance, 50-38-214
    reduction of quantity, 50-38-233
    report prior to storage, 50-38-231
Transportation, See also **MOTOR VEHICLE EQUIPMENT**, **Explosives, vehicles carrying**
    applicability of laws, 50-38-105
    passenger vehicles, prohibited when, 50-38-303
    railroad crossings, stopping at, 61-8-349
    railroads, by — unlawful when, 50-38-105, 50-38-303, 69-14-562
    records, 50-38-301
    storage not required while awaiting shipment, 50-38-206
    warning signs on vehicles, 50-38-304
Unlawful practices, See **Violations**
Vehicles carrying, See **Transportation**; **MOTOR VEHICLE EQUIPMENT**, **Explosives, vehicles carrying**
Violations, See also **CRIMES**, **Arson**
    burglary, use in, 45-6-204
    cancellation of certificate, 50-38-235
    death, violations causing, 50-38-107
    "destructive device" defined, 45-8-332
    "explosives" defined, 45-8-332
    false alarm of explosion, 45-5-203, 45-8-101
    general penalty, 50-38-106
    minors
        possession, 41-5-206
        sale or gift to, 45-5-623, 50-38-302
    nitroglycerine, misrepresentation of percentage, 50-38-108
    possession unlawful when, 41-5-206, 45-8-334, 45-8-335
        evidence of intent, 45-8-337
    reckless or malicious use, 45-8-333
    sale or gift to minor, 45-5-623, 50-38-302
    storage, failure to remove stored explosives upon cancellation of certificate, 50-38-235
    transportation with passengers, 50-38-303, 69-14-562

EX POST FACTO LAWS

See **LAW**

EXPRESS COMPANIES

See also **RAILROADS**

Alcoholic beverages, See **ALCOHOLIC BEVERAGES, Carriers**
Defined, 15-54-101
Offices, maintenance of public telephones in, 69-6-103
Taxation, See **TAXATION**
Unclaimed property held by, See **PERSONAL PROPERTY, Unclaimed o** **abandoned property**, carriers, commission merchants, and warehousemen

EXTENDED HEALTH INSURANCE

See **INSURANCE — DISABILITY, Extended health insurance for older persons**

EXTORTION

See **CRIMES, Intimidation**

EXTRADITION

Definitions, 46-30-101
Detainers, See **CRIMINAL PROCEDURE**
Effect, 46-30-102
Escaped prisoner under Interstate Corrections Compact, 46-19-301
From another state, procedure
  application for demand, 46-30-401
  confinement in another state, 46-30-403
  demand, 46-30-401, 46-30-402
  expenses
    assistance of public officer, 46-30-412
      violation, 46-30-413
    audit, 46-30-411
    confinement in another state, when, 46-30-403
    prosecution pending in another state, when, 46-30-403
    travel, 46-30-411
  grounds, 46-30-401
  immunity from other prosecutions, none, 46-30-405
  private claims, inapplicable, 46-30-401
  prosecution for other crimes, no immunity, 46-30-405
  prosecution pending in other state, 46-30-403
  service of civil process, immunity, 46-30-404
  transportation, 46-30-411
  waiver of proceedings, 46-30-404
Governor, powers and duties, See **GOVERNOR**
Juveniles, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
Nonsupport, persons charged criminally for, 40-5-106, 40-5-107
Nonwaiver by this state, 46-30-102
Rules of Evidence inapplicable, Title 26, chapter 10, M.R.Ev., Rule 101
Subdivisions out-of-state, in-state sales violations — proceedings, 76-4-1246
To another state, procedure
  absence from demanding state at time of commission of crime, 46-30-204
  applicability, 46-30-201, 46-30-204
  arrest
    authority of arresting officer, 46-30-216
    before demand, 46-30-227
    demand, before, 46-30-227
    grounds, 46-30-201
    legality contested, 46-30-217

EXTRADITION (Continued)

To another state, procedure (Continued)
  arrest (Continued)
    manner of, 46-30-215
    required, 46-30-201
  arrest warrant
    alias warrant, 46-30-214
    before demand, 46-30-227
    execution, 46-30-215
    issuance, 46-30-213
    recall, 46-30-214
    waiver, 46-30-228
  arrest without warrant
    bail
      availability, 46-30-302, 46-30-303
      effect, 46-30-302
      extension of time, 46-30-304
      forfeiture, 46-30-305
    commitment awaiting demand, 46-30-302, 46-30-304
    extension of time of bail or confinement, 46-30-304
    grounds, 46-30-301, 46-30-305
    manner, 46-30-301
  confinement of accused
    before demand, 46-30-302, 46-30-304
    on route, 46-30-226
  consent as waiver of proceedings, 46-30-228
  demand
    contents, 46-30-211
    form, 46-30-211
    investigation upon, 46-30-212
    writing required, 46-30-211
  duty of governor, 46-30-201
  effect, 46-30-102
  grounds, 46-30-201
  guilt or innocence, inquiry prohibited, 46-30-225
  habeas corpus, 46-30-217, 46-30-228
  investigation upon demand, 46-30-212
  involuntary from demanding state, when, 46-30-203
  laws applicable, 46-30-201, 46-30-204
  nonwaiver by this state, 46-30-102
  prosecution pending in this state, 46-30-202
  rights of the accused
    appearance, 46-30-217
    counsel, 46-30-217
    guilt or innocence, no inquiry by governor, 46-30-225
    habeas corpus, 46-30-217, 46-30-228
    violation, 46-30-218
    warrant, 46-30-228
  statutes applicable, 46-30-201, 46-30-204
  trial in this state, 46-30-102, 46-30-202
  waiver of proceedings, 46-30-228
Uniform Criminal Extradition Act, Title 46, chapter 30

EXTRADITION ACT, UNIFORM CRIMINAL, Title 46, chapter 30

  See **EXTRADITION**, generally

F

FACILITY SITING

  See also **UTILITIES**, generally

Actions, 75-20-405, 75-20-408

FACILITY SITING (Continued)

Administration of provisions, 75-20-215, 75-20-408
Air and water quality
    compliance with standards, 75-20-401
    decisions regarding, 75-10-407
    hazardous waste disposal, concurrent studies, 75-10-407
Alternative sites, waiver of compliance with provisions when, 75-20-304
Appeals
    air and water quality decisions, 75-10-407
    amendments to certificate, from departmental determination, 75-20-219
    decisions, from, 75-20-406
    pending, limitations on stay or suspension, 75-20-410
    permit or certification denial, 75-20-406
Applicability of provisions in definition of facility, 75-20-104
Applicants, See also **Applications**
    compliance statement, 75-20-303
    contracts for information, 75-20-106, 75-20-215
    filing fees, See **Fees**
    monitoring expenses, 75-20-402
    supplemental material submitted when, 75-20-213
Applications, See also **Applicants**
    amendments, 75-20-213
    combination of two or more facilities, 75-20-211, 75-20-215
    contents, 75-20-211
    decisions concerning, See **Decisions**
    defined, 75-20-104
    false statements, 75-20-217, 75-20-403
    filing, 75-20-211
        fees, See **Fees**
        notice of intent, 75-20-214
    form and content
        failure to file in, 75-20-217
        rules for, 75-20-105
    hazardous waste disposal, 75-10-407
    long-range plans, effect, 75-20-501
    notices and proof thereof, 75-20-211, 75-20-213
        failure of, cure for, 75-20-212
        intent to file, 75-20-214
    receipt of, procedures following, 75-20-216
    review, time periods, 75-20-218
    service of copies
        failure of, cure for, 75-20-212
        proof of, 75-20-211
    voiding when, 75-20-217
Boards, See **Health and Environmental Sciences, Board of; Natural Resources an**
        Conservation, Board of
Certificate of environmental compatibility and public need
    amendments, 75-20-213, 75-20-219
    appeals from denial, 75-20-406
    applicants, See **Applicants**
    applications, See **Applications**
    conditions
        compliance statement, 75-20-303
        imposition, 75-20-302
        noncompliance, 75-20-403
    conformance, operation of facility in, 75-20-201
    defined, 75-20-104
    enforcement, 75-20-408
    environmental evaluation statements, inclusion, 75-20-303
    exemptions, 75-20-202
    issuance
        additional requirements following, not permitted when, 75-20-401
        decisions concerning, See **Decisions**

FACILITY SITING (Continued)

Certificate of environmental compatibility and public need (Continued)
  nuclear facilities, approval requirements, 75-20-201, 75-20-1203
  required, 75-20-102, 75-20-201
  revocation or suspension, 75-20-403
  time limits for construction, inclusion, 75-20-303
  transferability, 75-20-203
  waiver when, 75-20-304
Certification proceedings
  findings necessary for, 75-20-301
  hearing examiner, 75-20-220
  hearings, See **Hearings**
  parties to, 75-20-221
  prehearing conferences and orders, 75-20-220
  statement of intent to participate, 75-20-221
  time limitation, 75-20-220
  waiver of provisions, 75-20-304
  witnesses, 75-20-220
Citation of Montana Major Facility Siting Act, 75-20-101
Commence to construct
  certificate required, 75-20-201
  defined, 75-20-104
Commerce, Department of
  applications, copies to, 75-20-211
  long-range plans filed with, 75-20-501
  party to proceedings, 75-20-221
  reports regarding, 75-20-216
Construction of facilities
  5-year site reviews, 75-20-502
  jurisdiction of courts, 75-20-407
  time limitations, 75-20-303
  waiver of compliance with provisions when, 75-20-304
County governing bodies, long-range plans furnished to, 75-20-501
Courts
  appeals, pending
    limitations on stay or suspension, 75-20-410
    surety bond, 75-20-411
  decision by board, review, 75-20-406
  jurisdiction restricted, 75-20-407
Decisions
  appeals, 75-20-406
  conditions, imposition, 75-20-302
  findings necessary for certification, 75-20-301, 75-20-503
  judicial review, 75-20-406
  opinion issued with, contents, 75-20-303
  rendered when, 75-20-301
  time periods, 75-20-218
Definitions, 75-20-104, 75-20-1202
  rules concerning, 75-20-105
Departments, See **Health and Environmental Sciences, Department of; Natural Resources and Conservation, Department of**
Educational impact statements required when, 20-1-208, 20-1-209
Eminent domain, inclusion in definition of "commence to construct", 75-20-104
Enforcement
  actions for, 75-20-408
  residents, by, 75-20-404
Environmental evaluation statements, inclusion with certificate, 75-20-303
Environmental factors, evaluation, 75-20-503
Environmental impact statements, See also **ENVIRONMENTAL POLICY**
  decisions by department or board in lieu of, 75-20-216
  fees, exemption, 75-1-207
  filing fees, credit against — when, 75-20-215
Environmental impact studies, 75-20-211

FACILITY SITING (Continued)

Environmental Quality Council
  applications, copies to, 75-20-211
  long-range plans filed with, 75-20-501
  party to proceedings, 75-20-221
Evidence
  amendments to certificate, requirements, 75-20-219
  certification proceedings, 75-20-220, 75-20-222
Exemptions, 75-20-202
"Facility" defined, 75-20-104
Federal agencies
  applications, copies to, 75-20-211
  parties to proceedings, 75-20-221
Federal facilities, exemption when, 75-20-202
Fees
  contracts for information, payments credited, 75-20-106, 75-20-215
  disposition, 75-20-112, 75-20-215, 75-20-216
  environmental impact statements, exemption, 75-1-207
  filing
    accountability, 75-20-215
    additional, required when, 75-20-213
    combination of two or more facilities, 75-20-215
    credit allowed when, 75-20-215
    deposit, 75-20-215
      failure to, 75-20-217
    installment payments, 75-20-215
    reduction when, 75-20-214
    refund, 75-20-215
    scale, 75-20-215
    upgrading costs, effect, 75-20-215
Fines, disposition, 75-20-112, 75-20-408
Fish, Wildlife, and Parks — Department of
  applications, copies to, 75-20-211
  long-range plans filed with, 75-20-501
  party to proceedings, 75-20-221
  reports regarding, 75-20-216
5-year site reviews, 75-20-502
Funds, 75-20-111
Geothermal exploration, 75-20-1001, See also **GEOTHERMAL RESOURCES AND EXPLORATION**
Grants, 75-20-111
Hazardous waste disposal, provisions regarding, 75-10-407
Health and Environmental Sciences, Board of
  amendments to certificates, 75-20-219
  applications, information requirements, 75-20-211
  defined, 75-20-104
  hearing examiner, appointment, 75-20-220
  monitoring by, 75-20-402
  permits
    hearings, 75-20-218
    required by, 75-20-211
  prehearing conferences waived when, 75-20-220
  proposed facilities — study, evaluation, and report, 75-20-216
  revenue, 75-20-215
Health and Environmental Sciences, Department of
  amendments to certificates, 75-20-219
  applications
    filing, 75-20-211
    information requirements, 75-20-211
    receipt of, procedures following, 75-20-216
  defined, 75-20-104
  hearing examiner, appointment, 75-20-220
  long-range plans filed with, 75-20-501

FACILITY SITING (Continued)

Health and Environmental Sciences, Department of (Continued)
  monitoring by, 75-20-402
  permits
    hearings, 75-20-218
    required by, 75-20-211
  proposed facilities — study, evaluation, and reports, 75-20-216
  revenue, 75-20-215
Hearings
  amendments to certificate, for, 75-20-219
  conjunctive, 75-20-218, 75-20-220
  date, 75-20-218
  examiner, restrictions and duties, 75-20-220
  location, 75-20-218
  permit, 75-20-218
  prehearing conferences and orders, 75-20-220
  record, 75-20-222
  waiver of compliance with provisions, 75-20-304
Highways, Department of
  applications, copies to, 75-20-211
  long-range plans filed with, 75-20-501
  party to proceedings, 75-20-221
  reports regarding, 75-20-216
Injunction, 75-20-408
Legislative findings, 75-20-102
Long-range plans
  applications, required prior to, 75-20-501
  contents, 75-20-501
  environmental factors, evaluation, 75-20-503
  public availability, 75-20-501
  rules for form and content, 75-20-105
  rural electric cooperatives, 75-20-501
  study of included facilities, 75-20-502
  submission, 75-20-501
Monitoring, 75-20-402
  plan for, 75-20-303, 75-20-402
Montana Major Facility Siting Act
  amendments, effect, 75-20-103
  citation, 75-20-101
  supersedes other laws or rules, 75-20-103
Natural Resources and Conservation, Board of
  amendments to certificate, procedures, 75-20-219
  appeals to, 75-20-219
  applications
    information requirements, 75-20-211, 75-20-213
    notice of intent to file, information required, 75-20-214
  certificates
    exemptions, rules for, 75-20-202
    issuance, 75-20-201
    nuclear facilities, 75-20-201, 75-20-1203
    revocation or suspension, 75-20-403
    transfers, approval, 75-20-203
  decisionmaking process, staff for, 75-20-218
  decisions by, See **Decisions**
  defined, 75-20-104
  exemptions, rules for, 75-20-202
  geothermal exploration, rules regarding, 75-20-1001
  hearing examiner, appointment, 75-20-220
  hearings
    amendments to certificate, 75-20-219
    date for, 75-20-218
    waiver of compliance with provisions, 75-20-304
  monitoring by, 75-20-402

FACILITY SITING (Continued)

Natural Resources and Conservation, Board of (Continued)
- nuclear facilities
  - approval requirements, 75-20-201
  - certificate issuance, additional requirements, 75-20-1203
  - emergency approval authority invalid, 75-20-1205
- orders by
  - appeals from, pending
    - limitations on stay or suspension, 75-20-410
    - surety bond, 75-20-411
  - violations, 75-20-403
- revenue, 75-20-215
- rules, adoption, 75-20-105, 75-20-202, 75-20-213, 75-20-214, 75-20-501, 75-20-1001
- waiver of compliance with provisions, when, 75-20-304
  - nuclear facilities, invalidity, 75-20-1205

Natural Resources and Conservation, Department of
- amendments to certificates, determinations regarding, 75-20-219
- applications
  - filing, 75-20-211
    - notice of intent, information required, 75-20-214
  - information requirements, 75-20-211
  - new, required when, 75-20-213
  - receipt of, procedures following, 75-20-216
  - service of copies or notice requirements, 75-20-213
    - failure of, cure for, 75-20-212
  - voiding when, 75-20-217
- certification proceedings
  - party to, 75-20-221
  - staff for, 75-20-218
- contracts for information, 75-20-106, 75-20-215
- decisionmaking process, staff for, 75-20-218
- defined, 75-20-104
- enforcement, actions for, 75-20-408
- environmental factors, evaluation, 75-20-503
- environmental impact studies, filing, 75-20-211
- filing fees
  - additional, 75-20-213
  - credit against, when, 75-20-215
- funds, acceptance, 75-20-111
- geothermal exploration, notification, 75-20-1001
- grants and gifts, acceptance, 75-20-111
- hazardous waste disposal
  - concurrent studies, 75-10-407
  - cooperation with other agencies, 75-10-404
- hearings, amendments to certificate, 75-20-219
- long-range plans
  - study of included facilities, 75-20-502
  - submission and review, 75-20-501
- monitoring by, 75-20-402
- orders by, 75-20-211, 75-20-212 — 75-20-214
  - violation, 75-20-403
- proposed facilities — study, evaluation, and reports, 75-20-216
- revenues, disposition, 75-20-112, 75-20-215
- supplemental material requested by, 75-20-213

Notices
- amendments to applications or certificates, 75-20-213
- applications for certificates, 75-20-211
  - failure of, cure for, 75-20-212
  - intent to file, 75-20-214
- long-range plans, filing, 75-20-501

Nuclear, See **NUCLEAR ENERGY, Interstate compact**

Nuclear energy conversion
- approval requirements, 75-20-201, 75-20-1201

FACILITY SITING (Continued)

Nuclear energy conversion (Continued)
  bond requirements, 75-20-1203
  certificate issuance, requirements, 75-20-1203
  definitions, 75-20-1202
  disposal of radioactive materials, effect of provisions for, 75-3-302
  emergency approval authority invalid, 75-20-1205
  evacuation and emergency medical aid plans, review, 75-20-1204
  findings as to safety, 75-20-1201
  purpose of provisions, 75-20-1201
Operation of facility, conformance with certificate, 75-20-201
Penalties, disposition, 75-20-112, 75-20-408
Policy of state, 75-20-102
Prehearing conferences and orders, 75-20-220
Public officers or employees, failure to enforce provisions, 75-20-404
Public Service Regulation, Department of
  applications, copies to, 75-20-211
  long-range plans filed with, 75-20-501
  party to proceedings, 75-20-221
  reports regarding, 75-20-216
Reconstruction or relocation of facilities
  exemption from provisions, 75-20-202
  waiver of compliance with provisions when, 75-20-304
Revenue, Department of
  applications, copies to, 75-20-211
  party to proceedings, 75-20-221
  reports regarding, 75-20-216
Rules
  adoption, 75-20-105
  applications, for, 75-20-105, 75-20-213
    notice of intent, for, 75-20-214
  certificate, exemptions — for, 75-20-202
  definitions, regarding, 75-20-105
  enforcement by residents, 75-20-404
  exemptions, for, 75-20-202
  geothermal exploration, for, 75-20-1001
  long-range plans, for, 75-20-105, 75-20-501
  violation, 75-20-403
Rural electric cooperatives, long-range plan requirements, 75-20-501
Safety
  nuclear facilities, 75-20-1201, 75-20-1203
  standards, failure to maintain, 75-20-403
Short title, 75-20-101
State Lands, Department of
  applications, copies to, 75-20-211
  long-range plans filed with, 75-20-501
  party to proceedings, 75-20-221
  reports regarding, 75-20-216
Surety bond required when, 75-20-411
Taxes, disposition, 75-20-112
Transmission substation
  defined, 75-20-104
  upgrading costs, effect on filing fee, 75-20-215
Upgrading of facilities
  cost, effect on filing fee, 75-20-215
  exemption from provisions, 75-20-202
Utilities
  considerations applicable to, 75-20-301
  defined, 75-20-104
  long-range plans, See **Long-range plans**, generally
Violations
  certificate revocation or suspension for, 75-20-403

FACILITY SITING (Continued)

Violations (Continued)
    civil actions, 75-20-408
    penalties, 75-20-408
Water quality, See **Air and water quality**
Water supplies, contamination — recovery of damages, 75-20-405

FACSIMILE SIGNATURES OF PUBLIC OFFICIALS ACT, UNIFORM, 2-16-114

See **PUBLIC OFFICERS, Signatures**

FACTORIES

See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT**

FACTORS

See **SALES**

FAIR BOARDS

See **FAIRS, County commission**

FAIR CAMPAIGN PRACTICES, CODE OF, Title 13, chapter 35, part 3

See **ELECTIONS, Campaign practices**

FAIR PRACTICES, CODE OF, Title 49, chapter 3

See **DISCRIMINATION, Government, state and local**

FAIRS

Agriculture, Department of — duties concerning, 80-1-102
Beer sales, special permits for — fees, 16-4-301, 16-4-501
County commission, Title 7, chapter 21, part 34
    horseracing, board of — representation on, 2-15-1881
County districts, Title 7, chapter 21, part 34
County fairs
    commission, See **County commission**
    districts, See **County districts**
    general provisions, Title 7, chapter 21, part 34
Fireworks displays, 50-37-107, See **FIREWORKS**
Freight transportation, free or reduced rates, 69-11-109
Horseracing provisions applicable to, 23-4-201
Lottery provisions not applicable to, 23-5-202
Table wine sales, special permits for — fees, 16-4-301, 16-4-501

FAIR TRADE PRACTICES ACT, MOTION PICTURE, Title 30, chapter 14, part 3

See **TRADE REGULATION AND COMPETITION, Motion pictures**

FALCONRY, FALCONERS, AND FALCONS

See **FISH AND WILDLIFE, Raptors**

FALSE ADVERTISING

See **ADVERTISING**

FALSE ALARMS

See **CRIMES**

FALSE ARREST

See **ARREST**

FALSE IMPRISONMENT

See also **CRIMES**, **Kidnapping**

Criminal charges, 45-5-301
Jurisdiction, justice's court excluded, 3-10-301
Protection from, personal right, 49-1-101
Shoplifting, what detention by merchant unlawful, 46-6-503
Statutes of limitation, 27-2-204

FALSE PRETENSES

See **CRIMES**, **False pretenses and fraud**

FALSE REPORTS

See **CRIMES**

FALSE SWEARING

See also **CRIMES**, **Perjury**

Unlawful, 45-7-202

FALSIFICATION IN OFFICIAL MATTERS

See **CRIMES**

FAMILY MATTERS

Adoption, See **ADOPTION**
Annulment, Title 40, chapter 1, part 4, See **MARRIAGE**, **Declaration of invalidity**
Child custody, See **CHILD CUSTODY**
Children, See generally **MINORS**; **PARENT AND CHILD**; **PATERNITY PROCEEDINGS**
Child support, See **CHILD SUPPORT**
Conciliation of controversies, Title 40, chapter 3, See **CONCILIATION**
Crimes involving, See **CRIMES**, **Family, offenses involving**
Declaration of invalidity, Title 40, chapter 1, part 4, See **MARRIAGE**
Dissolution of marriage, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**
Divorce, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**
Husband and wife relationship, See **HUSBAND AND WIFE**
Legal separation of spouses, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**, **Separation agreement**
Marriage, Title 40, chapter 1, See **MARRIAGE**
Parent and child relationship, See generally **PARENT AND CHILD**; **PATERNITY PROCEEDINGS**
Paternity, Title 40, chapter 6, part 1, See **PATERNITY PROCEEDINGS**
Reconciliation of spouses, Title 40, chapter 3, See **CONCILIATION**
Separation of spouses, See **DISSOLUTION OF MARRIAGE**, **Separation agreement**
Spouses, relationship between, See **HUSBAND AND WIFE**, generally
Support
  child, See **CHILD SUPPORT**
  enforcement, Title 40, chapter 5, See **CHILD SUPPORT**, **Administrative enforcement**; **Reciprocal enforcement**

FARMERS MARKETS
See **PUBLIC MARKETS**

FARMING AND FARMERS
See **AGRICULTURE**, generally

FARM MUTUAL INSURANCE COMPANIES
See **INSURERS — FARM MUTUAL**

FARM TRACTORS
See **MOTOR VEHICLES**, **Special mobile equipment**, generally

FAST TRACK LAWS
See **COURT CALENDAR PRECEDENCE**

FEDERAL-AID HIGHWAY SYSTEMS
See **HIGHWAYS**, **Federal-aid highways**

FEDERAL ASSISTANCE PROGRAMS, Title 17, chapter 3, part 1
See **STATE FINANCE**

FEDERAL COURTS
See **CIVIL PROCEDURE**

FEDERAL DEPOSIT INSURANCE CORPORATION, Title 32, chapter 1, part 6
See **BANKS AND TRUST COMPANIES**

FEDERAL HIGHER EDUCATION PROGRAMS, COMMISSION ON
See **HIGHER EDUCATION**

FEDERAL HOME LOAN BANKS
See **BUILDING AND LOAN ASSOCIATIONS**

FEDERAL LANDS
See **REAL PROPERTY**

FEDERAL RESERVE BANKS
See **BANKS AND TRUST COMPANIES**

FEDERAL REVENUES
See **STATE FINANCE**, generally

FEDERAL SAVINGS AND LOAN ASSOCIATIONS
See **BUILDING AND LOAN ASSOCIATIONS**

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
See **BUILDING AND LOAN ASSOCIATIONS**

FEDERAL TAX LIEN REGISTRATION ACT, REVISED UNIFORM, Title 71, chapter 3, part 2
See **LIENS, Federal tax liens**

FEDERAL WATER USERS' ASSOCIATIONS
See **WATER, Water users' associations**

FEEBLEMINDED PERSONS
See **DEVELOPMENTALLY DISABLED PERSONS; MENTALLY ILL PERSONS**

FEED GRAINS
See **GRAIN**, generally

FEEDS
See **COMMERCIAL FEEDS**

FEES

Administrative rules or register
  filing, 2-4-313
  recodification reports, copies, 2-4-322
Aerial hunting permits, 81-7-504
Aeronautics licenses, federal — certification, 67-3-101
Agricultural marketing associations, filings
  agreements, 35-17-409
  articles and amendments, 35-17-204, 35-17-205
Agricultural seeds
  dealer's licenses, 80-5-203
  processing plants, labelers, buyers, and warehouses — licenses, 80-5-202
Air carriers, certificate of public convenience and necessity, 67-3-422, 67-3-423
Aircraft registration, 67-3-201, 67-3-202
Airports and landing fields, licensing and fees, Title 67, chapter 3, part 3
Air quality variances, 75-2-212
Alcoholic beverages
  catering endorsement, 16-4-204
  city and county license fees, 16-4-503
  license and permit fees, 16-4-501
  wine distributor's license fee, 16-4-108
Ambulance service licenses, 50-6-307
Apiaries
  health certificate, 80-6-202
  inspection certificate, 80-6-202
  registration, 80-6-105
Appeals, See **Courts**
Assays and analyses, 20-25-211
Associations, See **Agricultural marketing associations**; **Cooperative associations**
Assumed business name, filings, 30-13-217
Attachment, service on secretary of state, 27-18-411
Attorneys at law, See also **ATTORNEYS AT LAW**
  admission before court, certificate, 3-2-403
  admission to bar
    application for examination, 37-61-205
    petition for, 37-61-205

FEES (Continued)

Attorneys at law (Continued)
  license tax, 37-61-211
  services, for, See **ATTORNEYS AT LAW**
Audits of governmental entities, 2-7-516
Bail, See **BAIL, CIVIL; BAIL, CRIMINAL**
Banks and trust companies
  articles of incorporation, filing, 32-1-305
  checking account, 32-6-309
  continual succession, filing, 32-1-306
  examination, 32-1-213
  incorporation, 32-1-305
  liquidation, attorney's fees, 32-1-551
  special examination, 32-1-215
  supervision, 32-1-213
Bean storage
  licenses, 80-3-503
  warehouse inspections, 80-3-507
Benevolent associations
  assessment for expenses, 33-6-302
  licenses, 33-6-401
Birth
  certificate, certified copy, 50-15-111
  date, judicial determination, 27-32-104
Boats, license and registration fees, 23-2-512, 23-2-513
Boiler engineer license fees, 50-74-309
Building and loan associations
  agent license, renewal, 32-2-409
  assets, annual fee based on, 32-2-110
  membership, 32-2-204
  special examination, 32-1-215
  withdrawal, 32-2-404
Business corporations, See **Corporations**
Business trusts, See **Corporations**
Butchers and meat peddlers
  inspections, 81-9-113
  licenses, 81-9-102
Campers, in lieu of taxes, 61-3-523, 61-3-524
Campgrounds
  license, 50-52-202
  state, use, 23-1-102, 23-1-105
Cesspool, septic tank, and privy cleaner licenses, 37-41-202
Cigarettes, licenses to sell, 16-11-122, 16-11-124
City courts, See **Courts**
Clerk of the district court, 25-1-201, 25-1-202; Title 25, chapter 20, M.R.Civ.P., Rule 4D, See also **Courts**
Clerk of the small claims court, 25-34-208, 25-35-608, See also **Courts**
Clerk of the supreme court, 3-2-403, See also **Courts**
Combine harvesters, 15-24-301, 15-24-1001, 15-70-312
Commercial feeds
  distribution permits, 80-9-201
  inspection, 80-9-206
  registration, 80-9-201
Commercial fertilizers
  assessment, 80-10-103
  inspection, 80-10-207
  licenses for distributors, 80-10-202
  registration, 80-10-201
Condominiums
  inspection, 70-23-202
  notice of intention to sell, 70-23-202
  service of process, 70-23-901

FEES (Continued)

Consumer loan businesses
  examination, 32-5-403
  filing, 32-5-301
  investigation, 32-5-201
  license, 32-5-201
  public agencies, 32-5-301
  recording, 32-5-301
  renewal, 32-5-204
Consumer reports, 31-3-125
Cooperative associations
  agricultural marketing associations, See **Agricultural marketing associations**
  certificate of amendment, filing, 35-15-205
  certificate of organization, filing, 35-15-204
  commissioner, license, 35-15-201
Corporations
  business trusts, 35-5-205
  foreign corporations, 35-1-1202, 35-2-1001
  generally, 35-1-1202 — 35-1-1205
  license fees, 35-1-1204, 35-1-1205
  miscellaneous, 35-1-1203
  name
    registration, 35-1-303
    renewal, 35-1-304
  nonprofit corporations, 35-2-1001, 35-2-1002, 35-2-1201
  reinstatement, 35-6-201
  reviver, 15-31-524
  small business election, 15-31-202, 15-31-204
  tax clearance certificate, 15-31-552
  tax returns, certified copies, 15-31-551
  utilities, rural cooperatives, See **Utilities**
County clerk and recorder, See **COUNTY CLERK AND RECORDER**
County coroner, See **COUNTY CORONER**
County officers, See **COUNTY OFFICERS**
County sheriff, See **COUNTY SHERIFF**
County surveyor, See **COUNTY SURVEYOR**
County treasurer, See **COUNTY TREASURER**
Courts, See also **CIVIL PROCEDURE, Costs**
  admission as attorney, certificate, 3-2-403
  appeals
    notice of appeal, filing, 25-31-112
    transcript filing, 3-2-403, 25-31-112
    undertaking, approval, 25-31-112
  appearance of parties, 25-1-201, 25-31-112
  attachment, service on secretary of state, 27-18-411
  attorneys, certificate of admission, 3-2-403
  birth date, judicial determination, 27-32-104
  certificates under seal, 3-2-403, 25-1-201
  clerk of the district court, 25-1-201, 25-1-202; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  clerk of the small claims court, 25-34-208, 25-35-608
  clerk of the supreme court, 3-2-403
  commencement of action, 25-1-201, 25-31-112
  comparison of documents, 3-2-403
  confession of judgment, 25-31-112
  depositions, 25-1-201
  disposition, 25-1-201
  document comparison, 3-2-403
  interpreters, 26-2-504; Title 25, chapter 20, M.R.Civ.P., Rule 43(f)
  intervention, 25-1-201
  issues of fact, 25-1-202
  judgment, 25-1-201, 25-31-112
  jurors' fees
    coroner's inquest, 3-15-203

FEES (Continued)

Courts (Continued)
- jurors' fees (Continued)
  - courts not of record, 3-15-203
  - courts of record, 3-15-201
- justices' courts
  - civil actions, 25-31-112, 25-31-521
  - criminal actions, 3-10-603
- military — witness, reporter, and civil officer, 10-1-406, 10-1-407
- municipal courts, 25-30-102
- naturalization, 3-5-515
- pleadings, amendment in justice's court, 25-31-521
- reporter's fee, 3-5-604, 10-1-406, 25-1-202
- service of process, 25-10-206, 27-18-411; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - condominiums, actions, 70-23-901
- small claims court, 25-34-208, 25-35-608
- transcripts and copies
  - preparation, 3-2-403, 25-1-201
  - reporter's fee, 3-5-604, 10-1-406
- transmission of records and papers, 25-1-201, 25-31-112
- witness fees
  - coroner's inquests, 26-2-503
  - courts not of record, 26-2-502, 26-2-503
  - courts of record, 26-2-501
  - experts, 26-2-505
  - investigative subpoenas, 46-4-306
  - military courts, 10-1-406
  - out-of-state witnesses, 46-15-112, 46-15-113
- writ, filing petition, 3-2-403

Courts-martial, See **Courts**

Cream stations, licenses, 81-22-208

Credit reports, 31-3-125

Credit unions
- articles of incorporation, filing, 32-3-301
- chartering, 32-3-201
- entrance, 32-3-304, 32-3-401
- examination, 32-3-201
- membership, 32-3-304, 32-3-401
- monetary transactions, 32-3-401
- special examination, 32-1-215
- supervision, 32-3-201

Criminalistics, laboratory of, 44-3-302

Custom combiners, 15-24-301, 15-24-1001, 15-70-312

Dairies, licenses, 81-21-102, 81-22-208

Death certificate, certified copy, 50-15-111

Disabled veterans license plates, 10-2-301

Disposal or rendering plants, licenses, 81-9-301

District courts, See **Courts**

Drivers
- licenses, 61-5-111, 61-5-114
- operating record, certified abstract, 61-6-107

Drugs — registration of manufacturers, distributors, or dispensers, 50-32-103

Egg dealers, licenses, 81-20-201

Egg graders, licenses, 81-20-201

Elections
- filing, 13-10-202
- precinct register copies, 13-2-122

Elevator inspections, 50-60-701

Employment agencies, Title 39, chapter 5, part 3

Estates and probate proceedings, 25-1-201

Execution, 25-1-201

Finance companies, See **Consumer loan businesses**

Fire protection approval building permit, 50-61-112

FEES (Continued)

Fire protection equipment — fees for certificate of registration, license, or permit for sales, installation, or servicing, 50-39-105
Fish and game license and permit fees, See **FISH AND GAME LICENSES AND PERMITS**
Floodplains and floodways, permit for establishment or alteration of obstructions or uses, 76-5-405
Food establishment licenses, 50-50-205
Foreign corporations, See **Corporations**
Fraternal benefit societies
  financial statement, filing, 33-7-404
  licenses, 33-7-501
  service of process, 33-7-114
Fur-bearing animals, recording of brand, 70-2-113
Gambling, license fees, 23-5-321, 23-5-421
Garbage feeders, licenses, 81-2-502
Gasoline and petroleum products
  dealer's license, 15-70-203, 82-15-105
  liquified petroleum gas, temporary permit, 15-71-102
  special fuel permits, temporary, 15-70-308, 15-70-312
Geophysical exploration permit, 82-1-105
Golden Year's Pass, 23-1-105
Grain merchandisers, licenses, 80-4-202
Grazing districts, membership, 76-16-204
Handicapped persons, parking permits, 49-4-303
Health care facilities, license fees, 50-5-202
Health service corporations, 33-30-204
Hide dealers or buyers, licenses, 81-9-411
Highway patrol identification cards, 61-12-504
Historical Society membership, 22-3-107
Homestead appraisers, 70-32-214
Horseracing, permit to conduct meets, 23-4-201
Horses
  roundup, 81-4-509, 81-4-514
  transportation permits, permanent, 81-3-205, 81-3-211
Hospitals, license fees, 50-5-202
Hotel licenses, 50-51-204
Installment sales, See **Retail installment sales**
Insurance
  adjusters, 33-2-708
  administrators, certificate of registration, 33-17-603
  agents, 33-2-708
    nonresident, 33-2-708
  commissioner of
    certificate under seal, 33-2-708
    documents, copies, 33-2-708
    service of process, 33-1-603, 33-17-405
  consultants, 33-17-503, 33-17-505
  premium finance company licenses, 33-14-201
  rating or advisory organization licenses, 33-16-403
  solicitors, 33-2-708
  vending machines, 33-2-708
Insurers
  farm mutual
    articles of incorporation, filing, 33-4-202
    certificate of authority, issuance and renewal, 33-4-505
    examinations and investigations, 33-4-315
  generally, enumeration, 33-2-708
  policy forms, filing, 33-2-708
  vending machine licenses, 33-2-708
Interpreters for deaf persons in official proceedings, 49-4-509
Investment companies, See **Banks and trust companies**

FEES (Continued)

Itinerant merchants
    licenses, 80-3-704
    permit of exemption, 80-3-701
Junk vehicle disposal fee, 61-3-508
Justices' courts, See **Courts**
Laboratory of criminalistics, 44-3-302
Lakeshore protection, work permits, 75-7-210
Legislative proceedings, 5-11-212
License fees, See specific license
License plates, disabled veterans, 10-2-301
Liens
    farm laborers' liens, 71-3-403
    federal tax liens, 71-3-205, 71-3-206
    foreclosure, 25-1-201, 71-3-124
Liquid petroleum gas, temporary permit, 15-71-102
Livestock
    bills of sale, copies, 81-3-210
    brands and marks, recording and rerecording, 70-2-113, 81-3-107
    garbage feeders, licenses, 81-2-502
    horses, See **Horses**
    inspections, 81-3-205
        imported livestock, 81-3-214
    inspectors, stock, 81-3-205
    market consignment permits, 81-3-205
    sales of five head or less, notification, 81-3-216
    security agreements, filing, 81-8-304
    sheep removal permits, 81-5-202
    transportation permits, 81-3-205, 81-3-211, 81-3-214
Livestock dealers and brokers, 81-8-271, 81-8-276
Livestock markets, for operation, 81-8-256
Loan companies, See **Consumer loan businesses**
Lobbyist license fees, 5-7-103
Manufactured dairy products plant, licenses, 81-22-208
Marriage
    certificate, certified copy, 50-15-111
    license, 25-1-201, 40-1-202, 40-2-405, 50-15-301
Mausoleums and columbariums, endowment care, 35-21-615
Meat peddlers, See **Butchers and meat peddlers**
Military courts — witness, reporter, and civil officer, 10-1-406, 10-1-407
Milk and cream testers, licenses, 81-22-205, 81-22-208
Milk or cream graders, weighers, or samplers — licenses, 81-22-208
Milk or cream route, licenses, 81-22-204, 81-22-208
Milk plants, licenses, 81-21-102
Milk producers, producer-distributors, distributors, and jobbers — license and delinquency fees, 81-23-202
Mineral trusts, filing notice of claim, 82-1-306
Mines and mining
    metal mines
        annual report, 82-4-339
        exploration permits, 82-4-332
        operating permit, 82-4-335
    opencut mines, reclamation contract, 82-4-432
    prospecting permit, 82-4-226
    siting permit, 82-4-123
    strip and underground mines, permits
        operation, 82-4-223
            change in area, 82-4-225
        prospecting, 82-4-226
        siting, 82-4-123
Montana highway patrol identification cards, 61-12-504
Motel licenses, 50-51-204
Motorboats, license and registration fees, 23-2-512, 23-2-513

FEES (Continued)

Motor carriers
    annual, 69-12-421
    annual reports, 69-12-423
    certificates
        filing, 69-12-311 — 69-12-313
        issuance, 69-12-423
    classification, 69-12-423
    filing, 69-12-423
    public service commission, charged by, 69-12-423
    rules, copies, 69-12-423
Motor club service company licenses, 61-12-303
Motor homes, in lieu of taxes, 61-3-522
Motor vehicle dealers
    registration or license, 61-4-102, 61-4-202
    transfer of license, 61-4-106
Motor vehicle driveaway or towaway transporters
    one-trip, 61-4-302
    permits, 61-4-301
    single movement permits, 61-4-310
    transit plates, 61-4-301
Motor vehicle graveyards and wrecking facilities
    disposal of junk vehicles, 75-10-513
    licenses, 75-10-511
Motor vehicle license plates
    amateur radio operators, 61-3-422
    duplicate, 61-3-333
    fleet vehicles, 61-3-722
    generally, 61-3-321
    personalized, 61-3-406
    pioneer-Montana, 61-3-333
    replacement, 61-3-333
    special mobile equipment, 61-3-431
Motor vehicle manufacturers, distributors, importers, or dealers licenses, 61-4-202
Motor vehicle registration
    assignments, filing, 61-3-103
    campers, 61-3-523, 61-3-524
    certificate of ownership
        duplicate, 61-3-204
        original, 61-3-203
    collector's vehicles, 61-3-411
    duplicate, 61-3-341
    foreign vehicles, window decal, 61-3-707
    generally, 61-3-321
    junk vehicle disposal, 61-3-508
    lien instruments, filing or certified copies, 61-3-103
    motor homes, 61-3-522
    security agreements, filing or certified copies, 61-3-103
    snowmobile, 23-2-616
    transfer of interest, 61-3-203
    travel trailers, 61-3-523
    windshield sticker, 61-3-342, 61-3-707
Motor vehicles
    excess size and weight permits, 61-10-124, 61-10-125
        single trip permits, 61-10-144
    gross vehicle weight, 61-10-201 — 61-10-203, 61-10-206, 61-10-207, 61-10-209, 61-10-211
    maximum gross axle weight permits, 61-10-107
Municipal courts, See **Courts**
Mustard seed crops, license for persons contracting for, 80-4-311
Naturalization, 3-5-515
Nonprofit corporations, See **Corporations**
Notaries public, 1-5-408, 1-5-418
Nurseries and nurserymen, licenses, 80-7-102

FEES (Continued)

Nursery stock, inspections, 80-7-111, 80-7-120
Oaths, administering, 25-1-201
Oil and gas
  drilling permit, 82-11-134
  seismic operation permit, 82-1-105
Outdoor advertising permits, 75-15-122
Parking permits for handicapped persons, 49-4-303
Parks, state — use, 23-1-102, 23-1-105
Pesticides
  applicator's licenses, 80-8-203, 80-8-204
  dealer's licenses, 80-8-203, 80-8-207
  devices, registration, 80-8-105
  registration, 80-8-201
Postsecondary vocational-technical center pupil fees, 20-7-333
Predators, aerial hunting permits, 81-7-504
Private investigators and patrol operators, licenses, 37-60-313
Proceedings of the legislature, 5-11-212
Produce wholesalers, licenses, 80-3-603
Proprietary postsecondary educational institutions, licenses and permits, 20-30-306
Public contractor's license, 15-50-204
  certified copies of records, 15-50-104
  renewal, 15-50-213
Public employees' retirement system, membership fee, 19-3-805
Public records, filing and copying, 2-6-103
Public Service Commission, charged by, 69-3-204, 69-12-423
Ranch names, registration, 30-13-112
Rendering or disposal plants, licenses, 81-9-301
Retail installment sales
  delinquency, 31-1-235
  license, 31-1-221
  official, 31-1-202, 31-1-231
  transfer of equity, 31-1-234
Rural cooperative utilities, See **Utilities**
Sales finance companies, See **Retail installment sales**
Savings and loan association, See **Building and loan associations**
Savings banks, See **Banks and trust companies**
Sawmills, portable — license, 76-13-503
Secretary of state, See **SECRETARY OF STATE**
Secured transactions
  assignment, 30-9-405
  certification of filing, 30-9-407
  continuation statement, 30-9-403
  copies, 30-9-407
  financing statement, 30-9-403
  release of collateral, 30-9-406
  statement of account, 30-9-208
  termination statement, 30-9-404
Securities
  examination, 30-10-210
  exemptions, 30-10-104
  generally, 30-10-209
Seismic operations, permit, 82-1-105
Sheep removal permits, 81-5-202
Ski lifts, See **Tramways**
Slaughterhouses, licenses, 81-9-201
Small business corporations, election, 15-31-202, 15-31-204
Snowmobiles
  certificate of ownership, 23-2-611 — 23-2-613
  dealers, 23-2-619
  decal for fee in lieu of property tax, 23-2-616, 23-2-617
  nonresident temporary use permit and sticker, 23-2-615
  registration, 23-2-616

FEES (Continued)

Snowmobiles (Continued)
  tax, in lieu of, 23-2-615.1, 23-2-616
    decal, 23-2-616, 23-2-617
Soil amendment, inspections, 80-10-207
Special fuel permits, temporary, 15-70-312
Store licenses, 15-57-106, 15-57-107
  renewal, 15-57-105
Subdivisions, out-of-state, in-state sales — application for registration, 76-4-1211
Subdivisions, out-of-state sales
  notice of intention, filing, 76-4-1105
  questionnaires, filing, 76-4-1107
Support enforcement services, 40-5-203
Supreme court, See **Courts**
Taxation, See also specific taxable item in this main category
  corporation taxes
    return, certified copies, 15-31-551
    reviver, 15-31-524
    small business corporation, election, 15-31-202, 15-31-204
    tax clearance certificate, 15-31-552
  income tax return, certified copies, 15-30-331
  small business corporation, election, 15-31-202, 15-31-204
  tax deed
    notice of application, service, 15-18-204
    preparation, 15-18-201
  tax sales, seizure of property, 15-17-901
Teachers
  certificates, 20-4-109
  emergency authorization, 20-4-111
Trademarks, registration, 30-13-311, 30-13-313, 30-13-315
Trailer courts, license fee, 50-52-202
Tramways
  gross receipts, assessment, 23-2-715
  inspection, 23-2-722
  registration, 23-2-714
Travel trailers, in lieu of taxes, 61-3-523
Trust companies, See **Banks and trust companies**
Trust indentures, 71-1-312, 71-1-316, 71-1-320
Tuberculosis examination and treatment proceedings, 50-17-114
University system
  parking, 20-25-312
  student building, 20-25-302, 20-25-401
Utilities — filing reports and rate schedules, classifications, and forms, 69-3-204
Utilities, rural cooperatives
  filing, 35-18-502
  revenue, department of — in lieu of tax, 35-18-503
Veterans, disabled veterans license plates, 10-2-301
Vital statistics certificates, certified copies, 50-15-111
Water treatment plant operators, filing and certification, 37-42-308
Water well contractors, licenses
  applications, filing, 37-43-303
  renewal, 37-43-307
Weighing devices, licensing, 30-12-203
Witness fees, See **Courts**
Wool laboratory, 20-25-228

FEES IN REAL PROPERTY

  See **REAL PROPERTY**, **Estates** categories

FELONIES AND FELONS

  See **CRIMES**; **OFFENDERS, FORMER**; **PRISONERS**

FENCES

Adjoining owners, duties, 70-16-205 — 70-16-209
Auto pass construction, effect on character of legal fence, 81-4-102
Barbed wire and other wire
  fallen
    notice to owner, 81-4-106
    nuisance, declared as, 81-4-105
    sale of removed wire, 81-4-107, 81-4-108
  repairs required, 81-4-104, 81-4-106
Cattle guards, 69-14-701, 69-14-703, 81-4-102
Common occupancy, cessation, 70-16-208
Construction, shared, 70-16-206 — 70-16-209
Easements for, 70-17-101
Expenses, apportionment, 70-16-205, 70-16-207 — 70-16-209
Game or fur farms
  construction, 87-4-401
  posting, 87-4-405
Gate, failure to close, 45-6-101
  wardens, fish and game — enforcement powers, 87-1-504, 87-1-505
Grazing districts, within, See **GRAZING DISTRICTS**
Highways, encroachment upon, See **HIGHWAYS, Encroachments on; Livestock**
Hunters, damage or destruction by, 87-1-102
Junk vehicles, to conceal, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES, Shielding**
Junkyards, screening, See **JUNKYARDS, Screening**
Legal fences
  auto pass construction, effect on character, 81-4-102
  civil liability regarding, 81-4-103
  defined, 81-4-101
  grazing districts, farmland within — requirements, 76-16-322
Liens for labor upon, See **LIENS, Mechanics' liens**
Life tenants, duties, 70-16-103
Livestock
  barbed wire fences, See **Barbed wire and other wire**
  injury to, liability, 81-4-103, 81-4-104
Maintenance, 70-16-205, 70-16-206, 70-16-208, 70-16-209
Motor vehicle graveyards and wrecking facilities, shielding from public view, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES, Shielding**
Notice
  common tenancy, building of fence upon cessation, 70-16-208
  rebuilding necessary, 70-16-209
  removal, 70-16-210
  repairs necessary, 70-16-209
Open range for livestock, See **HIGHWAYS, Livestock**
Previously enclosed lands, required for, 70-16-206
Railroads
  eminent domain by, provision, 70-30-301, 70-30-307
  livestock protection, maintenance for, 69-14-701 — 69-14-703
Rebuilding, 70-16-209
Removal
  agreement, 70-16-206
  notice, 70-16-210
Repair, 70-16-209
Required when, 70-16-206
Shielding to conceal junk vehicles, See **JUNKYARDS, Screening; MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES, Shielding**
State land lessees, opening or moving when, 77-2-107
Transfers, recording, 15-7-303, See **TAXATION, Property taxes**, real property, specific provisions, transfer information
Well or other hole, failure to fence, 45-8-113
Wire, See **Barbed wire and other wire**

FERRET, BLACK-FOOTED

See generally **FISH AND WILDLIFE, Fur-bearing animals; NONGAME AND ENDANGERED SPECIES**

FERRIES AND WHARVES

See also **WATER, Docks and wharves**

Eminent domain for, 70-30-102, 70-30-103, See also **EMINENT DOMAIN**
General provisions, Title 7, chapter 14, part 28
Insurance against loss or damage to wharves, See **INSURANCE — MARINE**, generally
Licensing, Title 7, chapter 21, part 22
Tax assessment, 15-8-405

FERTILIZERS

See **COMMERCIAL FERTILIZERS; TAXATION, Organic fertilizers and soil amendments**

FETUS

See **ABORTION; MINORS, Unborn children; PATERNITY PROCEEDINGS, Expected child; PREGNANCY**, generally

FICTITIOUS NAME

See **NAMES, Assumed business name; Fictitious**

FIDELITY BONDS

See **SURETY BONDS**, generally

FIDELITY INSURANCE

See **SURETYSHIP AND SURETIES**, generally

FIDUCIARIES

Arrest upon misappropriation of funds, subject to, 27-16-102
Commercial paper, rights and duties, See **COMMERCIAL PAPER**
Common trust funds, Title 32, chapter 1, part 7, See **BANKS AND TRUST COMPANIES, Common trust funds**
Conveyances to, 70-21-307
Debt adjustment by, 31-3-203
General provisions, Title 72, chapter 31, part 1
Misappropriation of funds, subject to arrest, 27-16-102
Negotiable instruments, rights and duties, See **COMMERCIAL PAPER**
Real property, conveyance without trust conditions, 70-21-307
Securities
  deposit of, 32-1-425 — 32-1-427
  endorsement, 30-8-308
  transfer, See **SECURITIES AND SECURITIES REGULATION, Fiduciary transfers**
Unclaimed property held by, 70-9-206
Uniform Act for the Simplification of Fiduciary Security Transfers, Title 30, chapter 10, part 4, See **SECURITIES AND SECURITIES REGULATION, Fiduciary transfers**

FIDUCIARY SECURITY TRANSFERS, UNIFORM ACT FOR THE SIMPLIFICATION OF, Title 30, chapter 10, part 4

See **SECURITIES AND SECURITIES REGULATION, Fiduciary transfers**

FIGHTS

See **CRIMES, Disorderly conduct**

FILLED DAIRY PRODUCTS

See **DAIRIES AND DAIRY PRODUCTS**

FILMS

See **THEATERS; TRADE REGULATION AND COMPETITION, Motion pictures**

FINANCE CHARGES

See **CREDIT TRANSACTIONS, Retail installment sales**

FINANCE COMPANIES

See **CONSUMER LOAN BUSINESSES; CREDIT TRANSACTIONS, Retail installment sales; INSURANCE, Premium finance companies**

FINANCIAL INSTITUTIONS

See **BANKS AND TRUST COMPANIES; BUILDING AND LOAN ASSOCIATIONS; CONSUMER LOAN BUSINESSES; CREDIT UNIONS; DEVELOPMENT CREDIT CORPORATIONS**

FINANCING STATEMENTS

See **SECURED TRANSACTIONS, Filing of financing statement**

FINDERS

See **PERSONAL PROPERTY**

FINDINGS BY THE COURT

See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**

FINE ARTS

See generally **ARTS; HISTORICAL SOCIETY**

FINES

See specific subject area

FINGERPRINTS

Alcoholic beverage licenses, required when, 16-4-403
Criminal information and identification, See **CRIMINAL JUSTICE INFORMATION**
Local records, 44-2-202
Minors, order for and records, 41-5-304
Support, reciprocal enforcement — location or identification of obligor established through, 40-5-112

FIREARMS

See **WEAPONS**

FIRE CODE, 50-3-102

FIRE DEPARTMENT RELIEF ASSOCIATIONS

See also **FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; VOLUNTEER FIREFIGHTERS' COMPENSATION**

Administration, Department of
  authority, 19-11-206
  investments, advice concerning, 19-11-403
Audits, 19-11-204, See also **ADMINISTRATION, DEPARTMENT OF, Audits of governmental entities**
Benefits
  allowable, 19-11-601
  applications, 19-11-611
  beneficiary, designation, 19-11-607
  claim procedures, 19-11-611
  death benefits, 19-11-605, 19-11-607
  disability pension
    computation, 19-11-604
    eligibility, 19-11-604
  funds for, 19-11-203
  general provisions, 19-11-601
  income tax exemption, 15-30-111
  judicial officer as attorney in, prohibited, 3-1-601
  legal process, exempt from, 19-11-612
  nonassignability, 19-11-612
  partial service pension
    computation, 19-11-603
    eligibility, 19-11-502, 19-11-603
  service pension, computation and eligibility, 19-11-602
  supplemental, 19-11-606
  surviving spouses and children, to, 19-11-605
  tax exemption, 15-30-111
  volunteer firefighters, applicability, 19-11-602, 19-11-604 — 19-11-606
Board of trustees, See also **Officers**
  audits by, 19-11-204
  benefit applications and claims, 19-11-611
  composition, 19-11-104
  election, 19-11-103
  investments by, 19-11-402
  local government consolidation, effect, 19-11-107
  management vested in, 19-11-401
  reports by, 19-11-204
Bonding requirements, 19-11-202
City clerk, annual reports by, 19-11-511
Contributions
  firefighters
    rate, 19-11-501
    refunds, 19-11-502
  state, 19-11-501
    amount, 19-11-512
    transfer, 19-11-513
    warrants for, 19-11-514
Death benefits, See **Benefits**
Definitions, 19-11-101, 19-11-403
Disability and pension fund
  bank depository securities, protection as, 19-11-208
  contributions to, See **Contributions**
  defined, 19-11-101
  establishment, 19-11-105
  gifts and donations, 19-11-501
  investment, 19-11-203, 19-11-402, 19-11-403

FIRE DEPARTMENT RELIEF ASSOCIATIONS (Continued)

Disability and pension fund (Continued)
  local government consolidation, effect, 19-11-107
  management, 19-11-201
  mishandling, 19-11-206
  payments from, 19-11-602, 19-11-604, 19-11-611
  protection, 19-11-208
  source of moneys, 19-11-501
  tax levy for, 19-11-501
    amount, 19-11-504
    required, 19-11-503
  theft, penalty, 19-11-207
  transfer of moneys to, 19-11-106
  use, 19-11-203
Disability pension, See **Benefits**
Formation, 19-11-102
Fund, See **Disability and pension fund**
Incorporation, 19-11-102
Local government consolidation, effect on fund, 19-11-107
Management
  first and second class cities, associations in, Title 19, chapter 11, part 3
  funds, See **Disability and pension fund**, generally
  other municipalities, associations in, Title 19, chapter 11, part 4
Membership, eligibility, 19-11-102
Officers, See also **Board of trustees**; **Treasurer**
  benefit claim procedures, 19-11-611
  generally, 19-11-103
  reports by, 19-11-205
Partial service pension, See **Benefits**
Pension fund, See **Disability and pension fund**
Reports
  board of trustees, by, 19-11-204
  city clerk, by, 19-11-511
  secretary and treasurer, by, 19-11-205
Service pension, See **Benefits**
Tax levy for fund, See **Disability and pension fund**
Treasurer, See also **Officers**
  benefit claim procedures, 19-11-611
  bonding requirements, 19-11-202
  state payment amounts reported to, 19-11-606
  supplemental pensions, funds for, 19-11-606
Unified retirement system, responsibilities, See **FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM**
Violations, 19-11-207

FIRE DEPARTMENTS AND FIREFIGHTERS

Asbestos regulations, notice when demolition of building, 50-64-104
Chiefs of departments
  fire escape doors, approval of instructions for breaking glass, 50-61-109
  fire services training advisory council, membership, 2-15-1519
  fireworks displays, supervision, 50-37-107
  hazard removal
    inspection by, 50-62-101
    order to remove hazardous materials, 50-62-108, 50-62-109
    order to repair or demolish structure, application and service, 50-62-103, 50-62-106
      answer, service upon fire chief, 50-62-104
      enforcement, 50-62-107
      salvage sale, conduct, 50-62-107
  inspection of buildings, 50-61-114, 50-62-101
  investigation of fires by, 50-63-202
  relief association board of trustees, ex officio member, 19-11-104
Cities, See **Municipal departments**

FIRE DEPARTMENTS AND FIREFIGHTERS (Continued)

City and town councils, powers, Title 7, chapter 33, part 42
Civil defense, responsibility, 10-3-102, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Demolition of buildings
  notice to fire department, 50-64-104
  order by fire chief, 50-62-103
Disasters, responsibilities, 10-3-102, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Emergencies, responsibilities, 10-3-102, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Emergency medical technicians, 50-6-202, See **EMERGENCIES AND EMERGENCY POWERS, Medical services**
Execution, exemption, 25-13-613
Explosives, applicability of laws, 50-38-105
Fire Codes of Montana, distribution to, 2-15-2011
Fire escapes, doors — approval of instructions for breaking glass, 50-61-109
Firefighters, Title 7, chapter 33, parts 22, 23, and 41
  fire services training advisory council, membership, 2-15-1519
  private vehicles, use of red light, 61-9-227
  state, See **FORESTS AND FORESTRY**
  training school, See **FIRE SERVICES TRAINING SCHOOL**
  transportation, free or reduced rates, 69-11-208
Fire hazards, duties of chiefs, See **Chiefs of departments**
Fire hoses, vehicles crossing, 61-8-364
Fire marshal, assistance from, 50-3-102
Fireworks displays, supervision, 50-37-107
Hazard removal, fire chiefs duties, See **Chiefs of departments**
Inspection of buildings, 50-61-114, 50-62-101
Investigation of fires, 50-63-202
Military right-of-way not to interfere with, 10-1-602
Municipal departments, Title 7, chapter 33, part 41
Relief associations, See **FIRE DEPARTMENT RELIEF ASSOCIATIONS**
Retirement, See **FIRE DEPARTMENT RELIEF ASSOCIATIONS; FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; VOLUNTEER FIREFIGHTERS' COMPENSATION**
School fire drills or fires, 20-1-405, 20-1-407
Traffic regulations concerning, See **TRAFFIC REGULATIONS**
Training school, Title 20, chapter 31, See **FIRE SERVICES TRAINING SCHOOL**
Vehicles, See **MOTOR VEHICLE EQUIPMENT, Authorized emergency vehicles; TRAFFIC REGULATIONS, Authorized emergency vehicles**
Volunteer departments
  audits of, See **ADMINISTRATION, DEPARTMENT OF, Audits of governmental entities**
  blanket disability insurance, See **INSURANCE — DISABILITY**
  general provisions, Title 7, chapter 33, part 41
Volunteer Firefighters' Compensation Act, Title 19, chapter 12, See **VOLUNTEER FIREFIGHTERS' COMPENSATION**

FIREFIGHTERS' UNIFIED RETIREMENT ACT, Title 19, chapter 13

  See **FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM**

FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM

Actuarial valuations, 19-13-504
Administration, 19-13-201 — 19-13-203
  expenses, 19-13-204
Administration, Department of
  accounts, transfers, 19-13-106
  defined, 19-13-104
  forms provided by, 19-13-203
  funds, management, 19-13-502

FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM (Continued)

Administrator
- contributions, remittance and deposit, 19-13-601, 19-13-604, 19-13-605, 19-13-607
- death benefits in absence of spouse or child, payment procedures, 19-13-903
- defined, 19-13-104
- funds, management, 19-13-502
- group insurance premiums, withholding, 19-13-1005
- supplements to allowances, 19-13-1006
- unfunded liabilities, determination, 19-13-503

Allowances, See **Death and survivor benefits**; **Disability retirement**; **Service retirement**; See also **Benefits**, generally

Assets, transfer, 19-13-106

Beneficiaries, 19-13-304, 19-13-903

Benefits
- adjustments, 19-13-1007
- contributions, withdrawal in lieu of benefits, 19-13-304, 19-13-305
- death, See **Death and survivor benefits**
- disability retirement, See **Disability retirement**, allowance
- erroneous payments, correction, 19-13-1002
- fixed, to be, 19-13-1001
- forfeiture when, 19-13-602
- group insurance premiums, withholding, 19-13-1005
- legal process, exemption from, 19-13-1004
- monthly, to be, 19-13-1001
- service retirement, See **Service retirement**, allowance
- supplements, 19-13-1006
- survivor, See **Death and survivor benefits**
- taxation, exemption from, 19-13-1003
- unassignability, 19-13-1004

Board, See **Public Employees' Retirement Board**

Citation of Montana Firefighters' Unified Retirement Act, 19-13-101

Cities
- inactive member, reinstatement procedures, 19-13-805
- information required from, 19-13-203
- ordinance stating election to join, 19-13-108
- unfunded liabilities, determination, 19-13-503

Contributions
- actuarial valuation, 19-13-504
- commingling, 19-13-502
- employer, See **Employer contributions**
- members, See **Member contributions**
- state, 19-13-604
- unfunded liability, applicable to, 19-13-503

Credited service, See **Service credits**

Death and survivor benefits, See also **Benefits**, generally
- absence of spouse or child, payment in, 19-13-903
- estate, payment to — when, 19-13-903
- payment, 19-13-901, 19-13-903
- service retirement allowance, effect of death of member, 19-13-704
- survivorship allowance, 19-13-902

Definitions, 19-13-104, 19-13-606

Disability retirement
- allowance, See also **Benefits**, generally
  - amount, 19-13-803
  - cancellation, 19-13-804
    - reinstatement upon, 19-13-805
  - death of member, See **Death and survivor benefits**
  - determination, 19-13-202
- disability, determination, 19-13-801
- eligibility, 19-13-802
- medical examinations, 19-13-801, 19-13-804

Election to join, 19-13-108

FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM (Continued)

Employer contributions
  amount, 19-13-605
  offsets when, 19-13-108
  other moneys for, 19-13-607
  tax for, 19-13-606
Employers
  contributions, See **Employer contributions**
  disability retirement allowance, notification of cancellation, 19-13-805
  defined, 19-13-104
  information required from, 19-13-203
  service retirement applications, 19-13-703
  taxing authority, 19-13-606
Enforcement of provisions, 19-13-202
Establishment, 19-13-103
False statements, penalty, 19-13-109
Fire department relief associations
  applicability of provisions, 19-13-102
  cash and securities, transfer, 19-13-108
  resolution regarding election to join, 19-13-108
  trustees, board of
    member contributions, certification, 19-13-109
    transfer of accounts, 19-13-106
Firemen's association, See **State firemen's association**
Fraud, penalty, 19-13-109
Full-paid firefighters, See also **Members**
  active membership, 19-13-301
  defined, 19-13-104
Funds
  administrative expenses, payment, 19-13-204
  commingling, 19-13-502
  management, 19-13-502
  retirement account
    custodian, 19-13-501
    "fund" defined, 19-13-104
    maintenance, 19-13-501
    transfers to, 19-13-106
Liabilities
  transfer, 19-13-106
  unfunded, 19-13-503
Mandatory retirement, 19-13-702
Member contributions, See also **Contributions**
  accumulated, certification of funds representing, 19-13-108
  amount, 19-13-601
  defined, 19-13-104
  dormant accounts, transfer, 19-13-505
  military service, options, 19-13-402, 19-13-403
  vesting, 19-13-602
  withdrawal, 19-13-304, 19-13-602
    redeposit, 19-13-603
Members
  active, 19-13-301
    reinstatement to, 19-13-603
  cessation of membership, 19-13-305
  contributions, See **Member contributions**
  defined, 19-13-104
  determination, 19-13-202
  group insurance premiums, 19-13-1005
  group life and accidental death and dismemberment insurance premiums, 19-13-601
  inactive, 19-13-303
    reinstatement to duty, 19-13-805
  ineligibility for other plans, 19-13-302

FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM (Continued)

Members (Continued)
  prior plans, effect, 19-13-107
  termination of employment prior to retirement, 19-13-304
Participation in, 19-13-105
Part-paid firefighters, See also **Members**
  active membership, 19-13-301
  defined, 19-13-104
Prior law, applicability, 19-13-102
Prior plans
  assets and liabilities transferred from, 19-13-106
  members, effect on, 19-13-107
Public Employees' Retirement Board
  accounts, apportionment, 19-13-106
  actuary employed by, 19-13-504
  administration of provisions, 19-13-201, 19-13-202, 19-13-501
  administrative costs, computation, 19-13-204
  cash and securities deposited with, 19-13-108
  defined, 19-13-104
  disability retirement
    allowance, cancellation, 19-13-805
    determination of disability, 19-13-801
    medical examination requirements, 19-13-804
  dormant member accounts, transfer, 19-13-505
  election to join, certified copies sent to, 19-13-108
  enforcement of provisions, 19-13-202
  erroneous payments, correction, 19-13-1002
  membership applications filed with, 19-13-301
  military service, qualification, 19-13-403
  powers and duties generally, 19-13-202
  retirement account, administration, 19-13-501
  rules by, 19-13-202, 19-13-502
  service retirement applications, 19-13-703
  state firemen's association as advisor, 19-13-201
Purpose of provisions, 19-13-102
Records, false statements — penalty, 19-13-109
Rules, 19-13-202, 19-13-502
Service credits
  "credited service" defined, 19-13-104
  cumulative, to be, 19-13-401
  forfeiture when, 19-13-603
  mandatory retirement date, following, 19-13-702
  military service, 19-13-402
    previous, 19-13-403
  reinstatement, 19-13-603
Service retirement
  allowance, See also **Benefits**, generally
    amount, 19-13-704
    death of member, effect, 19-13-704, See also **Death and survivor benefits**
    defined, 19-13-104
    determination, 19-13-202
    disability allowance, effect of cancellation, 19-13-804
    inactive member becoming active member, effect on, 19-13-805
  application for, 19-13-703
  eligibility, 19-13-304, 19-13-701
  mandatory, 19-13-702
Short title, 19-13-101
State contribution, 19-13-604, See also **Contributions**
State firemen's association
  advisory capacity, 19-13-201
  member contributions, amount, 19-13-601
Survivorship allowance, See **Death and survivor benefits**

FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM (Continued)

Unfunded liabilities, See **Liabilities**
Violations, 19-13-109

FIRE INSURANCE

See generally **INSURANCE — CASUALTY; INSURANCE — PROPERTY; INSURERS — FARM MUTUAL**

FIRE MARSHAL

See **FIRE MARSHAL BUREAU**

FIRE MARSHAL BUREAU

Advisory council, 2-15-2005
Alarm systems, rulemaking authority, 50-3-103
Arrest of arsonist, 50-63-308
Arson
  arrest, 50-63-308
  investigation, See **Investigatory authority**
Building approval and permits, 50-3-103, 50-60-202, 50-61-112
Chief, 2-15-2005
Construction standards, rulemaking authority, 50-3-102, 50-3-103
Definitions, 50-3-101
Deputy fire marshals, 50-3-106
Employees, 50-3-107
Explosives
  certificate of compliance, issuance, 50-38-232
    cancellation by, 50-38-235
  rulemaking authority, 50-3-102, 50-3-103
  state buildings, when bomb threats, 50-3-102
  storage report to, 50-38-231
Fire escapes
  doors, approval of instructions, 50-61-109
  specifications, promulgation, 50-61-105
Fire extinguishers, approval of contents, 50-3-103, 50-61-111
Fire Marshal
  absence, 50-3-105
  acting fire marshal, 50-3-105
  chief of bureau, as, 2-15-2005
  deputies, 50-3-106
  disability, 50-3-105
  fire services training advisory council, member, 2-15-1519
  oath of office, 50-3-108
  other occupations or business prohibited, 50-3-104
  powers and duties, 50-3-102, See also this main category generally
  qualifications, 2-15-2005
  rulemaking authority, 50-3-102, 50-3-103, 50-37-107, 50-61-102
Fireworks
  confiscation when, 50-37-109
  permits, issuance, 50-37-107
  rulemaking authority, 50-37-107
Funding, 50-3-109
Hazard removal
  appeals to, 50-62-110
  inspections, 50-62-101
  investigations, 50-62-110
  order to remove hazardous materials, 50-62-108, 50-62-109
  order to repair or demolish
    answer, service upon, 50-62-104
    application, 50-62-106

FIRE MARSHAL BUREAU (Continued)

Hazard removal (Continued)
    order to repair or demolish (Continued)
        default judgment, enforcement, 50-62-105
        enforcement, 50-62-107
        salvage sale, conduct, 50-62-107
        service, 50-62-103
    rulemaking authority, 50-3-103
Inspections of buildings, 50-3-102, 50-62-101
    reports from local fire authorities, 50-61-114
Insurance premium tax to fund, 50-3-109
Investigatory authority
    fires
        arrest of arsonist, 50-63-308
        assistance to local authorities, 50-3-102, 50-63-201
        entry, authority, 50-63-101
        oath, administering to witnesses, 50-63-301, 50-63-305
        privacy, may require, 50-63-302
        reports, filing with, 50-63-203
        subpoena authority, 50-63-303, 50-63-304
        supervision, 50-3-102, 50-63-201
    hazards, 50-62-110
    laws, violations, 50-63-301, 50-63-303
Oath of office, 50-3-108
Personnel, 50-3-107
Prevention information to public, 50-3-102
Protection equipment, See also this main category generally
    certificate of registration, permit to sell, license to install
        denial, 50-39-104
        form prescribed by, 50-39-102
        issuance, 50-39-101 — 50-39-103, 50-39-105
        revocation, 50-39-104
        suspension, 50-39-104
    thread standardization, 50-39-202, 50-39-203
Protection information to public, 50-3-102
Public buildings, safety in — rulemaking authority and supervision, 50-61-102, 50-61-117, See also this main category generally
Records, 50-3-102
Report to attorney general, 50-3-102
Rulemaking authority, 50-3-102, 50-3-103, 50-37-107, 50-61-102
Safety promotion, 50-3-102
School building plans and specifications, regulations, 20-6-624
State-owned buildings
    bomb threats, 50-3-102
    review of provisions concerning, 2-17-112
Supervision and control, 2-15-2005
Training programs, review, 50-3-102
University system, inspection annually, 50-3-102

FIRES AND FIRE PROTECTION

Alarms, See also **Protection equipment**
    communication lines, underground, See **UTILITIES**, **Underground conversion**
    false, See **False alarms**
    injunction upon violation, 50-61-118
    inspections, 50-61-114
    notice of violations, 50-61-115
    required when, 50-61-108
    rulemaking authority, 50-3-103
Arson, See **CRIMES**
Boats, fire protection equipment required, 23-2-521
Building codes, 50-3-103, 50-60-201, See **Construction of buildings**; **Protectio** **equipment**; **Public buildings**

FIRES AND FIRE PROTECTION (Continued)

Bureau, See **FIRE MARSHAL BUREAU**
Campfires, 50-63-102, 50-63-103
Casualty insurance, See **INSURANCE — CASUALTY**, generally
City and town councils, powers, Title 7, chapter 33, part 42
Columbariums, fire protection requirements, 35-21-709, 35-21-710
Complaints upon violations, 50-61-117
Condemnation of building, See **Hazard removal**
Construction of building, approval prerequisite
  building codes, 50-60-202
  educational buildings, 50-61-112
  institutional buildings, 50-61-112
  plans, 50-60-202
  rulemaking authority, 50-3-103
  state buildings, 50-61-113
Corridors in public buildings, safety requirements, 50-61-106, 50-61-109
County attorney, authority, See **COUNTY ATTORNEY**
Crematories, fire protection requirements, 35-21-709, 35-21-710
Crimes, See **Violations; CRIMES**
Definitions, 50-30-209, 50-61-103, 50-61-104
Districts, See **Rural districts**
Drills, rulemaking authority, 50-3-103
Educational buildings
  construction or alteration, approval prior to, 50-61-103, 50-61-112
  inspections annually, 50-3-102
Enforcement of provisions, 50-61-102, 50-61-112, 50-61-117, See also **Violations**
Exit lights, safety requirements, 50-61-107
Explosives, See **EXPLOSIVES**
Exterior stairways, safety requirements, 50-61-110
Extinguishing equipment, See also **Protection equipment**
  boats, required in, 23-2-521
  injunction when violations, 50-61-118
  inspections, 50-61-114
  insurance against loss, See **INSURANCE — CASUALTY**, generally
  notice of violations, 50-61-115
  rulemaking authority, 50-3-103
  specifications, 50-61-111
False alarms
  agencies of public safety, false alarms to, 45-7-204
  disorderly conduct, 45-8-101
  intimidation by, 45-5-203
Fire Codes of Montana, publication and distribution, 2-15-2011
Fire escapes
  correction of violation by lessee, 50-61-116
  exit lights, 50-61-107
  injunction when violation, 50-61-118
  notice of violations, 50-61-115
  obstruction unlawful, 50-61-106
  required when, 50-61-104
  signs, directional, 50-61-107
  specifications, 50-61-105
Fire extinguishers, See **Extinguishing equipment**
Fire Marshal Bureau, See **FIRE MARSHAL BUREAU**
Firewardens, See **Unincorporated places, protection**
Fireworks, See **FIREWORKS**
Forests, within, See **FORESTS AND FORESTRY**
Hazard determination for consumer products, 50-30-209, See **HAZARDOUS SUBSTANCES**, generally
Hazard removal
  appeals, 50-62-110
  clerk of the district court, duties, See **CLERK OF THE DISTRICT COURT**
  enforcement, 50-62-111
  injunction of occupancy, 50-3-102

FIRES AND FIRE PROTECTION (Continued)

Hazard removal (Continued)
- inspection, 50-62-101
- nuisance, declaration of, 50-62-102
- oil and gas operations, 82-11-302
- order to remove hazardous materials, 50-62-108
  - appeal, 50-62-110
  - noncompliance, 50-62-109, 50-62-111
  - penalties, 50-62-109, 50-62-111
  - revocation, 50-62-110
- order to repair or demolish, 50-3-102, 50-62-103, 50-62-106
  - answer of owner or occupant, 50-62-104
  - appeal, 50-62-110
  - default judgment, 50-62-105
  - execution of judgment, 50-62-107
  - grounds, 50-62-103
  - hearing, 50-62-104, 50-62-106
  - judgment, 50-62-104 — 50-62-106
  - jurisdiction of district court, 50-62-103
  - lien for salvage sale expenses, 50-62-107
  - noncompliance with order, 50-62-107, 50-62-111
  - notice of order, 50-62-103
  - penalties, 50-62-111
  - revocation, 50-62-110
  - sale, salvage, 50-62-107
  - service of order, 50-62-103
  - set aside, 50-62-106
- penalties, 50-62-111
- revocation of orders, 50-62-110
- rulemaking authority, 50-3-103

Hotels and motels, liability for personal property losses, 70-6-503 — 70-6-505

Injunction when violation, 50-3-102, 50-61-118

Inspection of buildings for compliance to provisions, 50-3-102
- equipment, 50-61-114
- hazards, 50-62-101
- institutions, annual inspection, 50-3-102

Institutional buildings
- construction or alteration, approval prior to, 50-61-112
- inspection, 50-3-102

Insurance, See also generally **INSURANCE — CASUALTY, INSURANCE — PROPERTY**
- information to state agencies
  - adjuster's report, copy to fire marshal, 50-63-203
  - confidentiality, 50-63-403
  - liability of insurer limited, 50-63-405
  - policy information, 50-63-401
  - scope of information that may be provided, 50-63-401
  - suspicious fires, report, 50-63-402
- recovery on policy, testimony of law enforcement and fire protection personnel, 50-63-404

Investigation of fires
- arrest of arsonist, 50-63-308
- authorization, 50-3-102, 50-63-101
- entry on premises, authorization, 50-63-101
- fire marshal, by
  - arrest of witness, 50-63-307
  - authority, 50-3-102, 50-63-301
  - contempt, 50-63-307
  - disobedience to subpoena, 50-63-306
  - grounds, 50-63-301
  - privacy for testimony, 50-63-302
  - subpoena of evidence and testimony, 50-63-303, 50-63-304
- initial investigation
  - cause, determination, 50-63-201

FIRES AND FIRE PROTECTION (Continued)

Investigation of fires (Continued)
    initial investigation (Continued)
        insurance adjusters, report from, 50-63-203
        penalty for failure to report, 50-63-204
        report to fire marshal, 50-63-203, 50-63-204
        required when, 50-63-201
        supervision, 50-3-102, 50-63-201
        who to investigate, 50-63-202
    insurance adjuster, report by, 50-63-203
    oaths, administration by fire marshal, 50-63-305
    private investigators, See **PRIVATE INVESTIGATORS AND PATROL OPERATORS**
    prosecution resulting from, 50-63-306, See also **CRIMES**, **Arson**; **Fires**
    records, 50-3-102
    required when, 50-63-201
Investigation of violations of fire laws, 50-63-301
Landlord-tenant relationships, applicability, 70-24-105, 70-24-409
Lessee, correction of violations by, 50-61-116
Mausoleums and columbariums, fire protection requirements, 35-21-709, 35-21-710
Military right-of-way not to interfere with, 10-1-602
Motorboats, fire protection equipment required, 23-2-521
Natural resources, See **NATURAL RESOURCES**
Notice
    hazard removal or condemnation, 50-62-103
    safety equipment violations, 50-61-115
Nuisance, structure creating fire hazard as, 50-62-102
Oaths, administration by fire marshal, 50-63-305
Offenses, See **Violations**
Oil and gas operations, elimination of hazards, 82-11-302
Open fires, setting or leaving when damage caused, 50-63-102, 50-63-103
Prevention information to public, 50-3-102
Product safety, 50-30-209, See **HAZARDOUS SUBSTANCES**, generally
Protection equipment, See also this main category generally
    certificate of registration, permit, or license for sale, installation, or servicing
        application, 50-39-102
        denial, 50-39-104
        examination prior to issuance, 50-39-102, 50-39-103
        fee, 50-39-102, 50-39-105
        inspection prior to issuance, 50-39-103, 50-39-105
        issuance, 50-39-102
        required, 50-39-101
        revocation, 50-39-104
        rulemaking authority, 50-39-104
        suspension, 50-39-104
        violations, 50-39-104
    failure to install or maintain, 50-60-115, 50-60-118
    fire marshal, authority, See **FIRE MARSHAL BUREAU**
    inspections, 50-61-114
    installation, 50-39-101, 50-39-102
        failure to install when required, 50-60-115, 50-60-118
    insurance against loss or damage, See **INSURANCE — CASUALTY**, generally
    public buildings, in, Title 50, chapter 61, See this main category generally
    sales, 50-39-101, 50-39-102
    servicing, 50-39-101, 50-39-102
    standardization of thread
        changes to existing equipment, 50-39-202, 50-39-203
        required, 50-39-201
        supervision, 50-39-202
    violations, See **Violations**
Protection information to public, 50-3-102
Public buildings, safety regulation, Title 50, chapter 61, See also this main category generally
    administration of provisions, 50-61-102

FIRES AND FIRE PROTECTION (Continued)

- **Public buildings**, safety regulation (Continued)
  - applicability of laws, 50-61-103
  - condemnation, See **Hazard removal**
  - definitions, 50-61-103
  - enforcement authority, 50-61-102, 50-61-117
  - hazards, See **Hazard removal**
  - purpose of provisions, 50-61-101
  - rulemaking authority, 50-61-102
  - standardization of thread on protection equipment, 50-39-201, See also **Protection equipment**
  - state buildings, specifically, See **State-owned buildings**
  - supervision, 50-61-102
  - violations, 50-61-115, 50-61-118, 50-61-119, See also **Violations**
- **Railroad fireguards**, See **RAILROADS**, **Fireguards along right-of-way**
- **Rural districts**
  - audits of, See **ADMINISTRATION, DEPARTMENT OF**, **Audits of governmenta entities**
  - general provisions, Title 7, chapter 33, part 21
- **Rural protection**, Title 7, chapter 33, part 22
- **Safety promotion**, 50-3-102
- **Schools**, See **SCHOOLS**, **Fire drills**
- **Smoke detectors**, See **Protection equipment**
- **Sprinkler systems**, See **Protection equipment**
- **Stairways in public buildings**, requirements, 50-61-110
- **Starting unlawfully**, 45-6-102, 45-6-103, See **CRIMES**, **Arson**
- **State Fire Marshal**, See **FIRE MARSHAL BUREAU**
- **State-owned buildings**
  - bomb threats, 50-3-102
  - budget for fire protection, 2-17-112
  - construction or alteration, approval prerequisite, 50-61-113
- **Training school**, Title 20, chapter 31, See **FIRE SERVICES TRAINING SCHOOL**
- **Unincorporated places, protection**, Title 7, chapter 33, part 23
- **Violations**
  - arson, See **CRIMES**, **Arson**
  - construction, failure to get prior approval, 50-61-112
  - criminal charges, See **CRIMES**, **Fires**
  - fire escapes, obstruction, 50-61-106
  - hazards, failure to remove or repair, 50-62-109, 50-62-111
  - installation of equipment, violations, 50-39-104
  - investigation of violations, 50-63-301
    - failure to investigate and report, 50-63-204
    - falsification, 50-63-305
    - refusal to testify, 50-63-306
  - leaving open fire causing damage, 50-63-102
  - safety and protection violations
    - complaint, 50-61-117
    - criminal charges, 50-61-119
    - enforcement authority, 50-61-102, 50-61-112
    - injunction, 50-61-118
    - lessee, correction by, 50-61-116
    - notice of, 50-61-115
    - prosecution, 50-61-117
  - sales of protection equipment, violations, 50-39-104
  - servicing of protection equipment, violations, 50-39-104
  - setting open fire causing damage, 50-63-102, See also **CRIMES**, **Arson**

FIRE SERVICES TRAINING SCHOOL

- **Advisory council**
  - compensation, 20-31-301
  - composition, appointment, and term, 2-15-1519
  - defined, 20-31-101

FIRE SERVICES TRAINING SCHOOL (Continued)

Advisory council (Continued)
  duties, 20-31-302
  organization, 20-31-301
  rules, procedural, 20-31-301
Allocation, 20-31-102
Budget requests, 20-31-102
Contractual agreements, 20-31-401
Coordination with other agencies, 20-31-104
Cost recovery fee, 20-31-402
Definitions, 20-31-101
Director
  advisory council, member, 2-15-1519
  appointment, 2-15-1518
  defined, 20-31-101
  duties, 20-31-202
  qualifications, 2-15-1518
  responsible to whom, 20-31-201
Gifts and grants, 20-31-401
Public Education, Board of — responsibilities, See **PUBLIC EDUCATION, BOARD OF**
Purpose, 20-31-103
Review of programs, 50-3-102
Supervision, 20-31-102

FIREWARDENS

  See **FIRES AND FIRE PROTECTION, Unincorporated places, protection; FORESTS AND FORESTRY**

FIREWORKS

Applicability of laws, 50-37-102
Ceremonial use, applicability of laws, 50-37-102
Confiscation, 50-37-109
Criminal charges, See **Unlawful sale or use**
Defined, 50-37-101, 50-37-105
Displays
  applicability of laws, 50-37-102
  authorization, 50-37-107
  indemnity bond, 50-37-108
  permits, 50-37-107
  requirements, 50-37-107
Fire marshal, authority, See **FIRE MARSHAL BUREAU**
Industrial use, applicability of laws, 50-37-102
Lawful sale or use, 50-37-104
  displays, See **Displays**
  permissible fireworks, 50-37-105
Military use, applicability of laws, 50-37-102
Minors, unlawful sale, possession, or gift
  by, 50-37-103
  to, 45-5-623
Penalties, 50-37-110
Permissible fireworks, 50-37-105
Sale
  applicability of laws, 50-37-102
  dates, restriction to certain dates, 50-37-106
  display, for, 50-37-102, 50-37-107
  lawful sales, 50-37-104
  minors, 45-5-623, 50-37-103
  permissible fireworks, 50-37-105
  unlawful, 45-5-623, 50-37-103
Seizure, 50-37-109

FIREWORKS (Continued)

State fire marshal, authority, See **FIRE MARSHAL BUREAU**
Theatrical use, applicability of laws, 50-37-102
Transportation lawful when, 50-37-103
Unlawful sale or use, 50-37-103
    confiscation of fireworks, 50-37-109
    criminal charges, 45-5-623, 50-37-110
    penalties, 50-37-110
Uses
    applicability of laws, 50-37-102
    displays, See **Displays**
    lawful, 50-37-104
    permissible fireworks, 50-37-105
    unlawful, 50-37-103
Violations, See **Unlawful sale or use**

FISCAL ANALYST

See **LEGISLATIVE FISCAL ANALYST**

FISCAL NOTES, Title 5, chapter 4, part 2

See **LEGISLATURE**

FISCAL YEAR

Counties, 7-6-2201
Credit unions, 32-3-105
Public employees' retirement system, 19-3-104
Schools, 20-1-301
State government, 17-2-110
Taxation, 15-10-101
Volunteer firefighters' compensation provisions, 19-12-102

FISH

See **FISH AND WILDLIFE; FISHING AND FISHERMEN**; See also **FOOD ANI FOOD PRODUCTS, Montana quality label**

FISH AND GAME

See **FISH AND WILDLIFE**

FISH AND GAME COMMISSION

See also **FISH AND WILDLIFE**, generally

Appeals by zoo or menagerie permitees, 87-4-807
Appointment to, 2-15-3402
Bag limits, fixing, 87-1-304
Bears, grizzly — rules for, 87-5-302
Bid requirements for land or water sales, 87-1-209
Boating, use regulations, See **BOATS AND BOATING**
Camping, rules concerning, See **CAMPING AND CAMPGROUNDS**
Composition, 2-15-3402
Construction projects, approval required, 87-1-211, 87-1-301
Cooperative agreements
    flathead county migratory bird reserve, regulation, 87-1-706
    land or water, for, 87-1-303
Defined, 87-1-101, 87-2-101
Duties generally, Title 87, chapter 1, part 3
Easement agreements, 87-1-303

FISH AND GAME COMMISSION (Continued)

Federal agencies, agreements with, 87-1-303
Fishing, duties concerning, See **FISHING AND FISHERMEN**, generally
Fur-bearing animals, duties concerning, See **FISH AND WILDLIFE**, **Fur-bearing animals**, generally
Grizzly bears, regulations regarding, 87-5-302
Historic site acquisitions
  eminent domain, consent for, 87-1-209
  legislature, proposals to, 23-1-108
Hunting, duties concerning, See **HUNTING AND HUNTERS**, generally
Installment contracts, approval required, 87-1-209
Landowners, agreements with, 87-1-303
Lands and waters
  acquisition, exchange, or sale — approval required, 87-1-209, 87-1-301
  closure and posting when, 87-1-304
  refuges, establishment, See **FISH AND WILDLIFE**, **Preserves and refuges**
  use, rules established for, 87-1-301, 87-1-303
Lease agreements, 87-1-303
Licenses and permits, duties concerning, See **FISH AND GAME LICENSES AND PERMITS**, generally
Meetings held when, 87-1-302
Offices, location and rental fees, 87-1-106
Orders and rules
  establishment, 87-1-301
  violation of and penalty, 87-1-102
Outdoor recreation resources, See **RECREATION**
Outfitters' and guide's licenses — suspension, revocation, or reissuance procedures, See **OUTFITTERS AND GUIDES**
Parks, state — acquisition proposals to legislature, 23-1-108, See also **PARKS**, **State parks**
Policies
  rules respecting, 87-1-401
  set by, 87-1-301
Possession limits, fixing, See **FISH AND WILDLIFE**, **Possession**
Powers generally, Title 87, chapter 1, part 3
Preserves, creation, See **FISH AND WILDLIFE**, **Preserves and refuges**
Quasi-judicial, designation as, 2-15-3402
Quorum, 87-1-302
Records, 87-1-302
Refuges, establishment, See **FISH AND WILDLIFE**, **Preserves and refuges**
Seasons, fixing, See **FISH AND WILDLIFE**, **Seasons**
Secretary, 2-15-3401
Snare traps, adoption of rules for, 87-3-107
State agencies, agreements with, 87-1-303
State parks, acquisition proposals to legislature, 23-1-108, See also **PARKS**
Trapping, duties concerning, See **TRAPPING AND TRAPPERS**, generally
Vacancies, 2-15-3402
Waters, See **Lands and waters**

FISH AND GAME, DEPARTMENT OF

  See **FISH, WILDLIFE, AND PARKS — DEPARTMENT OF**

FISH AND GAME LICENSES AND PERMITS

  See also **FISH AND WILDLIFE**, generally

Agents
  appointment, 87-2-901
    nontransferability or revocation, 87-2-904
  bond requirements, 87-2-902
  compensation, 87-2-903
  duties, 87-2-903
  laws, copies distributed to, 87-1-405

FISH AND GAME LICENSES AND PERMITS (Continued)

Agents (Continued)
  licenses, permits, or certificates issued by
    applications, 87-2-106
    certificate of competency required when, 87-2-105
    inspection, availability, 87-2-903
    "license" defined, 87-2-903
    moneys from, claim by state, 87-2-902
    sales unlawful when, 87-2-203
    unsold, accountability for, 87-2-902
Alteration prohibited, 87-2-110
Antelope, See **Hunting licenses**
Applications, 87-2-106
Archery, 87-2-708
Armed forces personnel, eligibility, 87-2-102
Bear, See **Hunting licenses**
Beaver and dams, permit for removal, 87-1-224, 87-3-501
Big game, See **Hunting licenses**, generally
Bird, See **Hunting licenses**, game bird
Bow and arrow, 87-2-708
Camping permit, 23-1-105, 87-2-112
Carrying, failure to, 87-1-102, 87-2-109
Certificate of competency required when, 87-2-105
Checking stations, inspections at, 87-1-207, 87-1-208
Children, See **Minors**
Collector's permit, 87-2-806, 87-5-401
Conservation license
  residents over age 62, 87-2-801, 87-2-804
  wildlife, See **Wildlife conservation license**
Deer, See **Hunting licenses**
Definitions, 87-2-101, 87-2-903
Destroyed, replacement, 87-2-104
Disabled persons, exemption, 87-2-803, 87-2-804
Discrimination in issuance prohibited, 49-3-204
Drawing system
  antelope, 87-2-706
  elk permits, special, 87-2-705
  fee, 87-2-113
  required when, 87-1-304
  wild turkey tags, 87-2-403
Duplicate, 87-2-104
Elk, See **Hunting licenses**
Endangered species, permits for taking, See **NONGAME AND ENDANGERED SPECIES**
Enforcement of provisions for, 87-1-201
Exceptions to requirements
  disabled persons, 87-2-803
  golden years pass, 23-1-105
  institutions, state — patients in, 87-2-802
  minors under age 15, 87-2-805
  residents over age 62, 87-2-801
  revocation when, 87-2-804
  veterans in VA hospitals, 87-2-802
Exhibiting, failure to, 87-1-102, 87-2-109
Expiration, 87-2-111
Failure to carry and exhibit, 87-1-102, 87-2-109
Failure to have, 87-2-102, 87-2-103
Falconer's license, 87-5-204, 87-5-208
False statements in applications, 87-1-102, 87-2-106, 87-2-205
Fees
  antelope license
    nonresident, special license, 87-2-701
    resident, special license, 87-2-701

FISH AND GAME LICENSES AND PERMITS (Continued)

Fees (Continued)
  bear, black or brown — license
    nonresident, 87-2-701
    resident, 87-2-501
  bear, grizzly — license
    resident or nonresident, 87-2-701
    trophy, 87-2-701
  big game combination license, nonresident, 87-2-505
  bow and arrow license, 87-2-708
  collector's permits, 87-2-806
  deer licenses or permits
    nonresident, 87-2-504
    resident, 87-2-501
    resident minors under age 15, 87-2-805
  disposition, 87-1-201, 87-1-601, 87-1-605, 87-1-701, 87-1-708, 87-1-710, 87-2-204, 87-4-602
  drawing fee, 87-2-113
  elk permits
    resident, 87-2-501
      refund when, 87-2-704
    resident minors under age 15, 87-2-805
  falconer's license, 87-5-204, 87-5-208
  fishing licenses
    nonresident, 87-2-302
    nonresident two-day, 87-2-304
    paddlefish tags, 87-2-306
    resident, 87-2-301
  game bird licenses
    nonresident, 87-2-402
    resident, 87-2-401
    resident minors under age 15, 87-2-805
  golden years pass, 23-1-105
  moose license, nonresident or resident, 87-2-701
  mountain goat license, nonresident or resident, 87-2-701
  mountain lion licenses
    nonresident, 87-2-507
    resident, 87-2-508
  mountain sheep license, nonresident or resident, 87-2-701
  nonresident big game combination license, 87-2-505
  replacement license, 87-2-104
  sportsman's license and decal, 87-2-711
  taxidermist's license, 87-4-201
  trophy license for grizzly bear, 87-2-701
  turkey tags, 87-2-403
  wild turkey tags, 87-2-403
  wildlife conservation license, 87-2-202, 87-2-204
Firearms, permits to carry, 87-5-401
Fish eggs, taking, 87-4-601
Fishing licenses
  affixation to wildlife conservation license, 87-2-202
  disabled persons, exemption, 87-2-803, 87-2-804
  failure to have, 87-1-102, 87-2-103
  forfeiture when, 87-2-112
  golden years pass, 23-1-105
  institutions, state — patients, exemption, 87-2-802, 87-2-804
  interstate privileges, 87-2-1001 — 87-2-1004
  job corps enrollees, 87-2-102
  minors under age 15, 87-2-805
  nonresident, 87-1-605, 87-2-302, 87-2-805
  nonresident two-day, 87-1-605, 87-2-304
  paddlefish tags, 87-2-306
  prerequisite, 87-2-201
  private fish ponds, 87-4-603

FISH AND GAME LICENSES AND PERMITS (Continued)

Fishing licenses (Continued)
    privilege revoked when, 87-1-102, 87-2-112, 87-2-804
    resident, 87-1-605, 87-2-301
    residents over age 62, 87-2-801, 87-2-804
    sale, unlawful when, 87-2-203
    seining license, 87-3-205, 87-4-602
    sportsman's license and decal, 87-2-711
    veterans in VA hospitals, exemption, 87-2-802, 87-2-804
Fish ponds, 87-4-603
Forfeiture, 87-1-102, 87-2-112
    penalty for hunting, fishing, or trapping while license is forfeited, 87-1-102
Form, 87-2-107
Free permits
    fishing, 87-1-228, 87-2-802 — 87-2-804
    hunting, 87-1-228
Fur dealers, See **FISH AND WILDLIFE, Fur dealers**
Fur farms, permits for, See **FISH AND WILDLIFE, Game or fur farms**
Game animals or birds, See **Hunting licenses**
Game farms, permits for, See **FISH AND WILDLIFE, Game or fur farms**
Game wardens' duties concerning, 87-1-502
Golden years pass, 23-1-105
Guides, See **OUTFITTERS AND GUIDES, Licenses**
Hunter safety course requirements, 87-2-105
Hunting licenses
    affixation of tags to wildlife conservation license, 87-2-202
    antelope
        minors, age requirements, 87-2-701
        nonresident, special license, 87-2-701
        resident, special license, 87-2-701
            drawing held when, 87-2-706
        special resident or nonresident, 87-2-702
    bear, black or brown
        minors, age requirements, 87-2-501, 87-2-701
        nonresident, 87-2-701
        resident, 87-2-501
    bear, grizzly
        minors, age requirements, 87-2-701
        resident and nonresident, 87-2-701
            restrictions, 87-2-702
        trophy, 87-2-701
    big game combination, nonresident, 87-2-505
        minors, age requirements, 87-2-505
        restrictions and limitation on number sold, 87-2-505
    birds, See game birds
    bow and arrow, 87-2-708
    certificate of competency required when, 87-2-105
    deer
        minors
            age requirements, 87-2-501, 87-2-504
            restrictions, 87-2-805
        nonresident, 87-2-504
        resident, 87-2-501
        residents over age 65, 87-2-801, 87-2-804
        special resident or nonresident, 87-2-702
    elk
        minors
            age requirements, 87-2-501
            restrictions, 87-2-805
        resident, 87-2-501
        residents over age 65, 87-2-801, 87-2-804
        special resident or nonresident
            areas, designation, 87-2-704

FISH AND GAME LICENSES AND PERMITS (Continued)

Hunting licenses (Continued)
  elk (Continued)
    special resident or nonresident (Continued)
      drawings held when, 87-2-705
      resident application, refund of license fee, 87-2-704
      restrictions, 87-2-702
  failure to have, 87-1-102, 87-2-103
  game birds
    minors
      age requirements, 87-2-711
      resident, under age 15, 87-2-805
    nonresident, 87-2-402
    resident, 87-2-401
    residents over age 62, 87-2-801, 87-2-804
    turkeys, 87-2-403, 87-3-404, 87-3-405
  moose, resident or nonresident, 87-2-701
    minors, age requirements, 87-2-701
    restrictions, 87-2-702
  mountain goat, resident or nonresident, 87-2-701
    minors, age requirements, 87-2-701
    restrictions, 87-2-702
  mountain lion
    minors, age requirements, 87-2-507, 87-2-508
    nonresident, 87-2-507
    resident, 87-2-508
  mountain sheep, resident or nonresident, 87-2-701
    minors, age requirements, 87-2-701
    restrictions, 87-2-702
  nonresident big game combination, 87-2-505
    minors, age requirements, 87-2-505
    restrictions and limitation on number sold, 87-2-505
  nonresident minors, certificate of competency requirement, 87-2-105
  prerequisite, 87-2-201
  restrictions, 87-2-506
  safety instruction requirements, 87-2-105
  sale unlawful when, 87-2-203
  sportsman's license and decal, 87-2-711
  tagging carcasses, information on license, 87-1-102, 87-2-403, 87-2-509
  upland game birds, See game birds
Identification required, 87-2-202
Indians, free permits for, 87-1-228
Inspection of, 87-1-207, 87-1-502, 87-2-109
Institutions, state — exemption for patients, 87-2-802, 87-2-804
Interstate fishing, license for, 87-2-1001
Issuance, 87-2-107
Job corps enrollees, eligibility, 87-2-102
Lack of, unlawful, 87-1-102, 87-2-103
Landowners, permit to destroy wild animals when, 87-1-224, 87-1-225
Loaning prohibited, 87-2-110
Lost, replacement, 87-2-104
Marten skins, shipping, 87-3-502
Menageries, See **ZOOS AND MENAGERIES**
Military personnel, eligibility, 87-2-102
Minors
  falconer's license, age requirement, 87-5-204
  fishing, See **Fishing licenses**
  hunting, See **Hunting licenses**, specific license
Moose, See **Hunting licenses**
Mountain goat, lion, or sheep, See **Hunting licenses**
Muskrats, permit for removal when, 87-3-501
Nonresident licenses, See generally **Fishing licenses**; **Hunting licenses**
Number restricted when, 87-1-304, 87-2-104, 87-2-505, 87-2-506

FISH AND GAME LICENSES AND PERMITS (Continued)

Outfitters and guides, See **OUTFITTERS AND GUIDES**
Paddlefish tags, 87-2-306
Parks, golden years pass, 23-1-105
Private fish ponds, 87-4-603
Privileges
  indian land, on, 87-1-228
  revocation when, 87-1-102, 87-2-112, 87-2-804
    hunting, fishing, or trapping during, 87-1-102
Quotas set when, 87-2-705, 87-2-706
Raptors, permit for transporting, 87-5-206
Replacement, issuance, 87-2-104
Required when, 87-2-103
Research, permit for taking fish and game for, 87-2-806, 87-5-109, 87-5-401
Residence requirements, 87-2-102
"Resident" defined, 87-2-102, 87-4-101
Resident licenses, See generally **Fishing licenses; Hunting licenses**
Restrictions
  hunting licenses, 87-2-506
  special licenses, 87-2-702
Revenue from, See **Fees**, disposition
Roadside menageries, See **ZOOS AND MENAGERIES**
Rules for, 87-1-201
Safety instruction requirements, 87-2-105
Sales, See **Agents**
Scientific purposes, permit for taking fish and game for, 87-2-806, 87-5-109, 87-5-401
Seining licenses, 87-3-205, 87-4-602
Senior citizens, See **Exceptions to requirements**
Servicemen, eligibility, 87-2-102
Shipping, marten skins, 87-3-502
Shooting preserves, See **FISH AND WILDLIFE, Shooting preserves**
Special, 87-2-701, 87-2-702, 87-2-704 — 87-2-711
  eligibility for reapplication, 87-2-702
  golden years pass, 23-1-105
  holders, areas set aside for, 87-1-304
  issuance limited when, 87-1-304
  minors, age requirements, 87-2-701
  reapplication, eligibility, 87-2-702
Sportsman's license and decal, 87-2-711
Stolen, replacement, 87-2-104
Suspension when, 87-2-112
Tagging carcasses, See **Hunting licenses**
Tags, See specific category, generally
Taxidermists, 87-4-201
Termination date, 87-2-111
Transfer prohibited, 87-2-110
Trapping licenses, See **TRAPPING AND TRAPPERS**
Trophy license for grizzly bear, 87-2-701
Turkey tags, See **Hunting licenses**, game birds
Upland game bird licenses, See **Hunting licenses**, game birds
Veterans in VA hospitals, exemption for, 87-2-802, 87-2-804
Violations
  carrying, failure to do so, 87-1-102, 87-2-109
  collector's permit misuse, failure to report, and improper number taken, 87-2-806
  exhibiting for inspection, refusal to do so, 87-1-102, 87-2-109
  failure to have license or permit, 87-1-102, 87-2-103
  false statements in applications, 87-1-102, 87-2-106, 87-2-205
  forfeiture — hunting, fishing, or trapping during, 87-1-102
  obtaining without wildlife conservation license, 87-2-201, 87-2-203
  sales when, 87-2-203
  tagging carcasses, failure to, 87-1-102, 87-2-509, 87-3-405
Voidable when, 87-2-106, 87-2-111, 87-2-202
Wardens' duties respecting, 87-1-502

FISH AND GAME LICENSES AND PERMITS (Continued)

Wild birds, taking, 87-5-201
Wild turkey tags, See **Hunting licenses**, game birds
Wildlife conservation license
  affixation of tags or stamps, 87-2-202
  application
    contents, 87-2-202
    penalty for false statements, 87-1-102, 87-2-205
  expiration, 87-2-202
  fee and disposition of, 87-2-202, 87-2-204
  guides, professional — requirement for, 87-4-123
  nonresident big game combination license, inclusion in, 87-2-505
  prerequisite for other licenses, 87-2-201, 87-2-203, 87-2-504, 87-2-701
  void when, 87-2-202
Zoos and menageries, See **ZOOS AND MENAGERIES**

FISH AND GAME WARDENS

  See also generally **FISH AND WILDLIFE; PEACE OFFICERS; PUBLIC OFFICERS**

Appointment, 87-1-404
Arrest, power of, 87-1-506
Beaver removal, number designated for, 87-1-224
Boating accidents, investigative duty, 23-2-527
Certification requirement, 87-1-501
Checking station inspections requested by, 87-1-208
Confiscated birds and animals, duties respecting, 87-1-511 — 87-1-514
Dead animals, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233
Defined, 87-1-101
Disability retirees, reinstatement to duty, 19-8-712
Dogs, destruction allowed when, 87-3-124
Duties generally, 87-1-502, 87-1-506
Endangered species, enforcement of provisions, 87-5-111
Enforcement by
  criminal mischief or trespass, provisions respecting, 45-6-203, 87-1-504, 87-1-505
  general provisions, 87-1-502, 87-1-503, 87-1-506
  litter control, 75-10-233, 87-1-504, 87-1-505
  peace officers, wardens' powers as, 87-1-505, 87-1-506
  zoos and menageries, provisions regarding, 87-4-807
Examination requirements, 87-1-501
Ex officio wardens, 87-1-503
Expenses, how paid, 87-1-503
Firearms, permits to carry, 87-1-201
Firewardens, as, 77-5-104, 87-1-504, See also **FORESTS AND FORESTRY**, **Firewardens**
Fur dealers' records, inspection, 87-4-302
Game or fur farms, inspection, 87-4-403
Garbage, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233
Inspections by
  authority for, 87-1-502
  checking stations, at, 87-1-208
  fur dealers' records, 87-4-302
  game or fur farms, 87-4-403
  licenses and permits, 87-2-109
    agents' accounts, 87-2-903
  merchants, hotelkeepers, and restaurants — records and receipts of game in possession, 87-4-703
  taxidermist's records, 87-4-201
Laws, fish and game — copies distributed to, 87-1-405
Licenses or permits for hunting or fishing
  agents, inspection of accounts, 87-2-903
  duties generally, 87-1-502
  inspection when, 87-2-109
  issuance by, 87-2-106

FISH AND GAME WARDENS (Continued)

Litter control, enforcement, 75-10-233, 87-1-504, 87-1-505
Marten skins, shipping and tagging permits, 87-3-502
Nongame wildlife, enforcement of provisions, 87-5-111
Oath and affirmation, 87-1-501
Outfitters and guides
  administration of provisions, 87-4-104
  enforcement of provisions, 87-4-144
Peace officers' powers, wardens to have — when, 87-1-505, 87-1-506
Political affiliation prohibited, 87-1-501
Powers generally, 87-1-502, 87-1-506
Predator destruction, assistance required when, 87-1-502, See also **PREDATORS AND PREDATOR CONTROL**
Property, private — protection, 45-6-203, 75-10-233, 87-1-504, 87-1-505
Qualifications, 87-1-502
Refuse, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233
Reinstatement to duty following disability, 19-8-712
Report requirements, 87-1-502
Retirement system, See **GAME WARDENS' RETIREMENT SYSTEM**
Search and seizure by, liability, 87-1-506, 87-1-511 — 87-1-514
Selection, 87-1-501
Snowmobile provisions, enforcement, 23-2-641
Subpoenas, power of issuance, 87-1-506
Taxidermist's records, inspection, 87-4-201
Zoos and menageries, enforcement of provisions, 87-4-807

FISH AND WILDLIFE

Administration, Department of
  bounty claim procedures, 87-1-206
  cost bills for prosecution of violations, approval, 87-1-104
Angling, See **FISHING AND FISHERMEN**
Antelope, See generally **Bow and arrow**; **Game animals**; **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**
Aquatic insects, commercial exportation unlawful, 87-1-102, 87-4-604
Archery, See **Bow and arrow**
Auctions of birds or animals, See **Confiscated birds and animals**, sales
Bag limits
  fixing, 87-1-304
  migratory game birds, 87-3-403
  prizes unlawful when, 87-3-121
Bears, See **Game animals**; **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**
Beavers and dams, See **Fur-bearing animals**
Big game, See **Game animals**, generally; See also **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**
Big horn sheep, See **Game animals**, generally; See also **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**, mountain sheep
Biological matters
  data requirements, 87-5-102, 87-5-104
  programs established when, 87-1-210
  resources, 23-1-201, 23-1-202
  university of Montana biological reserve, See **UNIVERSITY OF MONTANA, Biological station**
Bird farms, See **Game or fur farms**, generally
Birds
  acquisition, 87-1-221
  confiscation, See **Confiscated birds and animals**
  destruction unlawful when, 87-1-102, 87-5-201, 87-5-401, 87-5-404, 87-5-406
  distribution, 87-1-221
  eagles, killing allowed when, 87-5-209
  eggs of wild birds, destruction unlawful, 87-1-102, 87-5-201, 87-5-404, 87-5-406
  falconry, See **Raptors**

FISH AND WILDLIFE (Continued)

Birds (Continued)
- game birds, See **Game birds**
- hawks, predatory — destruction allowed when, 87-5-209
- illegally taken, removal from state, 87-1-102, 87-3-113
- license to hunt, See **FISH AND GAME LICENSES AND PERMITS**, **Hunting licenses**
- management projects for, 87-1-210
- migratory waterfowl, See **Waterfowl**
- nests of wild birds, destruction unlawful, 87-1-102, 87-5-201, 87-5-404, 87-5-406
- owls, predatory — destruction allowed when, 87-5-209
- possession unlawful when, 87-1-102, 87-3-112
- preservation, propagation, or protection
  - acquisition for, 87-1-221
  - enforcement of laws for, 87-1-201
  - funds for, 87-1-201, 87-1-221
  - lands or waters for, 87-1-209
  - property for, 87-1-201
- preserves for, See **Preserves and refuges**
- raptors, See **Raptors**
- refuges for, See **Preserves and refuges**
- restoration, 87-1-209
- shipping, See **Shipping**, generally
- shooting preserves, See **Shooting preserves**
- supervision of, 87-1-201
- turkeys, See **Game birds**
- unprotected species, 87-5-102
- waterfowl, See **Waterfowl**
- wild birds, provisions for, 87-1-102, 87-5-201, 87-5-404, 87-5-406
- wild turkeys, See **Game birds**, turkeys

Bison
- game or fur farm permits, applicability, 87-4-401
- national bison range, establishment and development, 87-1-711, 87-1-712
- unlawful taking, killing, possessing, transporting, or wasting, 87-1-102
- wild buffalo
  - defined, 87-2-101
  - protection, 87-5-303

Black-footed ferret, See **Fur-bearing animals**, generally; See also **NONGAME AND ENDANGERED SPECIES**, generally

Boats and boating, See **BOATS AND BOATING**

Bobcats, See **Fur-bearing animals**

Body parts of unlawfully taken wildlife, trafficking unlawful, 87-3-111

Bonds, See **Fines, bonds, and penalties**

Bow and arrow
- hunting with, when, 87-1-304, 87-5-405
- licensing for, 87-2-708
- paddlefish, taking with, 87-3-204

Breeding permits, See **Game or fur farms**, generally

Buffalo, See **Bison**

Camping at public fishing reservoirs or lakes, See **CAMPING AND CAMPGROUNDS**

Canada lynx, See **Fur-bearing animals**, generally

Captivity, keeping in, See **Game or fur farms**; See also **ZOOS AND MENAGERIES**

Carcasses
- abandonment unlawful, 87-1-102, 87-3-102
- scientific purposes, parts specified for, 87-3-102
- tagging, 87-2-509
- waste unlawful, penalty, 87-1-102, 87-3-102

Caribou, See **Game animals**, generally

Checking stations
- establishment, 87-1-207
- inspections at, 87-1-207, 87-1-208

FISH AND WILDLIFE (Continued)

Checking stations (Continued)
  penalty for failure to stop and report at, 87-1-208
  purpose, 87-1-207
Children, See **Minors**
Civet cat, See **PREDATORS AND PREDATOR CONTROL**, generally
Closed districts, posting, 87-5-402
Closed season, See **Seasons**
Commercial activities
  aquatic insects, exportation unlawful, 87-1-102, 87-4-604
  dealers in pelts and skins, See **Fur dealers**
  farms for propagation, owning, or controlling game animals or birds, See **Game or fur farms**
  fish farming, 87-4-603
  fish or spawn
    sales unlawful when, 87-1-102, 87-4-601
    security interest, 30-9-204
    weight provisions, 30-12-401
  fish ponds, private, 87-4-603
  fox farming, See **Game or fur farms**
  game animals or birds, commercial sale or possession
    definitions, 87-4-701
    evidence, 87-4-703
    lawful when, 87-4-702, 87-4-703
    records and receipts, 87-4-703, 87-4-704
    violations, evidence and penalty, 87-1-102, 87-4-703, 87-4-705
  guides, See **OUTFITTERS AND GUIDES**
  menageries, See **ZOOS AND MENAGERIES**
  mink farming, See **Game or fur farms**
  outfitting, See **OUTFITTERS AND GUIDES**
  pelts and skins, dealers in, See **Fur dealers**
  private fish ponds, 87-4-603
  seining licenses, 87-3-205, 87-4-602
  shooting preserves, See **Shooting preserves**
  taxidermy and taxidermists, 87-1-102, 87-4-201
  whitefish sales, 87-4-603
  zoos, See **ZOOS AND MENAGERIES**
Commission, See **FISH AND GAME COMMISSION**
Confiscated birds and animals, See also **Seizure**
  donations of meat to public entities when, 87-1-512
  records, 87-1-514
  sales
    certificate, issuance, 87-1-512
    notice required when, 87-1-511
    procedures, 87-1-511
    proceeds, disposition, 87-1-201, 87-1-513, 87-1-601
    purchases, limitation, 87-1-512
Conservation districts, See **CONSERVATION DISTRICTS**, generally
Conservation easements, See **OPEN-SPACE LANDS**
Conservation offficers, See **FISH AND GAME WARDENS**, generally
Construction or hydraulic projects, See **RIVERS AND STREAMS**, **Construction or hydraulic projects**
Construction projects, See **FISH, WILDLIFE, AND PARKS — DEPARTMENT OF**
Contests prohibited, 87-1-102, 87-3-121, 87-3-307
Cooperative agreements concerning, See **FISH AND GAME COMMISSION; FISH, WILDLIFE, AND PARKS — DEPARTMENT OF**
Counties
  cost bills for prosecution of violations, payment, 87-1-104, 87-1-601
  explosives furnished by, when, 87-1-224
  federal waterfowl and wildlife area acquisitions, review and hearings, 87-1-713, 87-1-714
  land payments to, in lieu of taxes, 87-1-603, 87-1-604
Coyotes, See **PREDATORS AND PREDATOR CONTROL**
Crimes, See **Violations**

FISH AND WILDLIFE (Continued)

Damage to property, See **Property**
Deer, See generally **Bow and arrow**; **Game animals**; See also **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**
Definitions, 87-1-101, 87-2-101
Department of, See **FISH, WILDLIFE, AND PARKS — DEPARTMENT OF**
Dingell-Johnson Bill, assent to, 87-1-701 — 87-1-703
Director, See **FISH, WILDLIFE, AND PARKS — DEPARTMENT OF**
Districts, creation and posting, 87-1-304, 87-5-402
Dogs, use of, See **HUNTING AND HUNTERS**
Drawing system for special licenses and seasons, See **FISH AND GAME LICENSES AND PERMITS**
Eagles, See **Birds**
Earmarked revenue fund, See **Funds and funding**
Eggs, See **Birds**; **Fish**
Elk, See generally **Bow and arrow**; **Game animals**; See also **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**
Employees, See **FISH, WILDLIFE, AND PARKS — DEPARTMENT OF**
Endangered species, See **NONGAME AND ENDANGERED SPECIES**
Enforcement of laws, See **Laws**
Explosives, use unlawful when, 87-1-102, 87-2-806
Exportation, See **Shipping**, generally
Falconry and falcons, See **Raptors**
Federal-state relationships
  benton lake wildlife refuge, water supply for, 87-1-707
  cooperative agreements when, 87-1-210, 87-1-303
  dingell-johnson bill, 87-1-701 — 87-1-703
  eagles, applicability of federal regulations, 87-5-209
  endangered species, management, 87-5-107, 87-5-108
  fish
    hatching operations, 87-1-704
    restoration and management projects, 87-1-701 — 87-1-703
  fish and wildlife resources, projects adversely affecting, 87-5-508
  flathead county migratory bird reserve, establishment and regulation, 87-1-705, 87-1-706
  land and water conservation fund act, 23-2-101, 23-2-103
  migratory game bird regulations, applicability to state, 87-3-403
  national bison range, establishment and development, 87-1-711, 87-1-712
  nongame wildlife management, 87-5-107, 87-5-108
  outfitting and guiding, cooperation regarding business of, 87-4-104
  parks, 23-1-107
  pittman-robertson act, 87-1-708 — 87-1-710
  preserves and refuges
    acquisitions, county review and hearings, 87-1-713, 87-1-714
    benton lake wildlife refuge, water supply for, 87-1-707
    flathead county migratory bird reserve, establishment and regulation, 87-1-705, 87-1-706
  raptors, applicability of federal regulations, 87-5-205
  waterfowl regulations, applicability to state, 87-3-403
  wildlife restoration and management projects, 87-1-708 — 87-1-710
Fences, See **Game or fur farms**; See also **HUNTING AND HUNTERS**
Ferret, Black-footed, See **Fur-bearing animals**, generally; See also **NONGAME AND ENDANGERED SPECIES**
Finance, See **Funds and funding**
Fines, bonds, and penalties
  bonding requirements
    fish pond licensee's, 87-4-603
    license agents, 87-2-902
  collection, 87-1-103
  fines, specific
    construction projects adversely affecting stream preservation, violation, 87-5-509
    endangered species, violations, 87-5-111
    garments for hunters, color requirements — violation, 87-3-302
    nongame wildlife, violations, 87-5-111
    stream preservation violations, fine for, 87-5-509

FISH AND WILDLIFE (Continued)

Fines, bonds, and penalties (Continued)
  moneys from, disposition, 87-1-201, 87-1-601, 87-4-808
    game wardens' retirement contributions, 19-8-504
  penalty clause, general, 87-1-102
  prosecution costs paid from, when, 87-1-601
  violations and resulting penalties, See **Violations**, generally
  zoos and menageries, collection and disposition, 87-4-808
Firearms, rules for, See **WEAPONS**
Fish, See also **FISHING AND FISHERMEN**
  acquisition, 87-1-221
  aquatic insects, commercial exportation unlawful, 87-1-102, 87-4-604
  bait, as — restrictions, 87-3-203
  caged, placement in public waters, 87-3-207, 87-3-208
  conservation, 87-1-701 — 87-1-703, See also **RENEWABLE RESOURCE DEVELOPMENT**, generally
  cultural stations, 87-1-704
  definitions, 87-2-101
  distribution, 87-3-201, 87-3-202
  eggs
    collecting and hatching, 87-3-201
    eyed, purchase, 87-3-201
    introduction or transplantation unlawful when, 87-1-102, 87-3-105
    permits for taking, 87-4-601
    propagation, obtained for, 87-1-209, 87-4-601
    salmonid, See salmonid fish or eggs
  experimental purposes, acquisition for, 87-1-221
  fry or fingerlings, propagation and distribution, 87-1-222, 87-3-201
  game fish
    defined, 87-2-101
    sale, shipment, or possession unlawful when, 87-1-102, 87-4-601
    unlawful buying, selling, possessing, or transporting, 87-1-102, 87-3-111
  hatcheries
    control, 87-3-201
    construction and maintenance, 87-1-221, 87-1-222, 87-3-201
    distribution of output, 87-3-202
    federal operations, 87-1-704
    floodways, within, See **FLOODPLAINS AND FLOODWAYS**, **Uses within**, generally
    funding provisions, 87-1-221, 87-1-222
    lands or waters for, acquisition, 87-1-209
    state operations, 87-3-201
    supervision, 87-3-202
    taxation as agricultural land, 15-7-202, See **TAXATION**, **Agricultural land**
  illegally taken, removal from state, 87-1-102, 87-3-113
  indian lands, protection on, 87-1-228
  introduction unlawful when, 87-1-102, 87-3-105
  ladders — construction, installation, and repair, 87-1-222
  management projects for, 87-1-210
  nursery ponds
    construction and maintenance, 87-1-222
    land or water acquired for, 87-1-209
  possession unlawful when, 87-1-102, 87-3-112
  private ponds
    aquatic insects, provisions regarding, 87-4-604
    defined, 87-4-603
    licensing and control, 87-4-603
    nets or seines, use allowed, 87-3-205
    sale of fish or spawn, 87-4-601
  propagation, preservation, or protection
    acquisition for, 87-1-209, 87-1-221
    enforcement of laws for, 87-1-201
    fry and fingerlings, 87-3-201

FISH AND WILDLIFE (Continued)

Fish (Continued)
- propagation, preservation, or protection (Continued)
  - funds for, 87-1-201, 87-1-221
  - land or water for, 87-1-209
  - policies for, 87-1-301
  - property for, sale, 87-1-201
  - waters controlled for, 87-1-223
- rearing ponds, construction and maintenance, 87-1-222
- renewable resource, as, 90-2-101, See **RENEWABLE RESOURCE DEVELOPMENT**, generally
- restoration and management projects, 87-1-701 — 87-1-703
- restoration, 87-1-209
- sale
  - security interest, 30-9-204
  - unlawful when, 87-1-102, 87-4-601
- salmonid fish or eggs
  - certification requirements, 87-3-221, 87-3-222
  - enforcement of provisions, 87-3-224
  - importation unlawful when, 87-3-221
  - penalty for violations, 87-1-102, 87-3-224
  - quarantine of cargo or vehicle when, 87-3-224
  - testing and inspections, 87-3-223
- scientific purposes
  - acquisition of fish for, 87-1-221
  - permit to take for, 87-2-806
- screens, purchase and maintenance, 87-1-222
- seining licenses, 87-4-602
- shipping, See **Shipping**
- spawn
  - collection, 87-3-201
  - exchange for distribution, 87-3-202
  - sale unlawful when, 87-1-102, 87-4-601
  - taking or hatching, 87-3-201
- stream, protection for, See **RIVERS AND STREAMS**, **Streambed protection**
- supervision of, 87-1-201
- transplantation unlawful when, 87-1-102, 87-3-105
- traps, seines, and nets used when, 87-3-201
- unlawful taking, killing, possessing, transporting, shipping, buying, selling, labeling, packaging, or wasting, 87-1-102, 87-2-103, 87-3-111
- water supply — improvement, development, and conservation, 85-9-102, See also **RIVERS AND STREAMS, Streambed protection**
- wheels, purchase and maintenance, 87-1-222
- whitefish, catching and sales, 87-4-601, 87-4-605

Fish and game wardens, See **FISH AND GAME WARDENS**

Fisher, See **Fur-bearing animals**, generally

Fishing and fishermen, See **FISHING AND FISHERMEN**

Fox farming, See **Game or fur farms**

Fox, northern swift, See **Fur-bearing animals**, generally

Funds and funding
- appropriations, 87-1-201, 87-1-601
- coal tax revenue trust fund, 23-1-108
- confiscated wildlife sales, payment of advertising costs, 87-1-513
- control, 87-1-201
- counties, payments to in lieu of taxes, 87-1-603
- disposition
  - fish hatcheries, 87-1-221
  - fish nurseries and rearing ponds, 87-1-222
  - fish screens and wheels, 87-1-222
  - game farms, 87-1-221
  - game wardens' retirement system, 19-8-501, 19-8-504
  - generally, 87-1-201
  - predator extermination, 87-1-221

FISH AND WILDLIFE (Continued)

Funds and funding (Continued)
  disposition (Continued)
    salaries, per diem, and expenses, 87-1-601, 87-1-602
    waterfowl food, 87-1-221
    wildlife protection and propagation generally, 87-1-221
  donations, 23-1-102
  earmarked revenue fund
    deposits to
      confiscated birds or animals, sale proceeds, 87-1-513
      generally, 87-1-601
      golden years pass, 23-1-105
      outfitters and guides license fees, 87-4-127
      property, sale proceeds, 87-1-201
      seining license fees, 87-4-602
      stream protection violations, 87-5-509
      wildlife conservation license fees, 87-2-204
      zoos and menagerie fees, 87-4-808
    payments from
      bounty claims, 87-1-206
      cost bills for prosecution of violations, 87-1-104
      laws, publication expenses, 87-1-405
      outfitters' pamphlets, publication expenses, 87-4-104
      salaries, expenses, per diem, and claims, 87-1-602
  federal and private revenue fund
    deposits, 87-1-601
    payments from, 87-1-602
  fines, moneys from, 19-8-504, 87-1-201, 87-1-601, 87-4-808
  "fish and game fund" defined, 87-1-601
  game wardens' retirement contributions, 19-8-501, 19-8-504
  general fund, payments from, 87-1-602
  gifts, 23-1-102
  historic site acquisitions, 23-1-108
  license and permit fees, See **FISH AND GAME LICENSES AND PERMITS**, **Fees**, disposition
  park acquisitions, 23-1-108
  park fees and charges, deposit, 23-1-105
  predator control, for, 81-7-102, 87-1-221
  seized game or hides, moneys from, 87-1-201, 87-1-513, 87-1-601
  sources of, 23-1-108, 87-1-201, 87-1-601, 87-1-605, 87-1-701, 87-1-708, 87-1-710
  trust account, 87-1-601
  wardens, ex officio — payment of travel expenses, 87-1-503
Fur-bearing animals
  beaver and beaver dams
    destruction of house unlawful, 87-3-503, 87-3-505
    fur farms, capturing for, See **Game or fur farms**
    grazing districts, within, 76-16-107
    killing or trapping allowed when, 87-3-501
    removal when, 87-1-224
  bobcats
    hunting or trapping, 87-2-601, 87-2-602, 87-3-124
    stock-killing, 87-3-124
  brands, 70-2-112, 70-2-113
  closed season violations, 87-1-102, 87-2-103, 87-3-501, 87-3-505
  dealers in furs, See **Fur dealers**
  defined, 87-2-101
  escaped animals, 70-2-112
  farms for propagation, owning, or controlling, See **Game or fur farms**
  furs, See pelts; See also generally **Fur dealers**; **Game or fur farms**
  harassment prohibited, 87-3-126
  hides, See pelts
  illegally taken animals, removal from state, 87-1-102, 87-3-113

FISH AND WILDLIFE (Continued)

Fur-bearing animals (Continued)
  importation
    general provisions, 87-1-221
    unlawful when, 87-1-102, 87-2-103
  indian lands, protection on, 87-1-228
  introduction unlawful when, 87-1-102, 87-3-105
  lien upon, 70-2-112, 70-2-113
  lynx, trapping, 87-2-601, 87-2-602
  management projects for, 87-1-210
  marten, trapping and tagging, 87-3-502, 87-3-505
  muskrats
    destruction of house unlawful when, 87-3-503, 87-3-505
    trapping or killing allowed when, 87-3-501
  ownership, subject to, 50-23-102, 70-2-112
  pelts, See also **Hides, heads, and mounts**
    dealers for, See **Fur dealers**
    illegally taken, removal from state, 87-1-102, 87-3-113
    marten, shipping requirements, 87-3-502
    possession unlawful when, 87-1-102, 87-3-501
    sale unlawful when, 87-1-102, 87-3-501, 87-3-502, 87-3-505
    shipment unlawful when, 87-3-501, See also **Shipping**
    tagging requirements, 87-3-502
  possession unlawful when, 50-23-102, 87-1-102, 87-3-501
  preservation, propagation, or protection
    enforcement of laws for, 87-1-201
    funds for, 87-1-201, 87-1-221
    land or water for, 87-1-209
    policies for, 87-1-301
    property for, sale, 87-1-201
  preserves, restrictions on, See **Preserves and refuges**, generally
  property rights in, 70-2-112
  rabies control, See **Rabies control**
  restoration, 87-1-209
  sales unlawful when, 87-1-102, 87-3-501
  seasons for hunting or trapping, See **Seasons**, generally
  shipment unlawful when, 87-1-102, 87-3-501
  skins, See pelts
  supervision of, 87-1-201
  transfer, 70-2-113
  transplantation unlawful when, 87-1-102, 87-3-105
  trapping, See **TRAPPING AND TRAPPERS**
  unlawful taking, killing, possessing, transporting, shipping, labeling, packaging, buying, selling, hunting, trapping, shooting, or wasting — penalty, 87-1-102, 87-2-103, 87-3-111, 87-3-506
  wasting, unlawful, 87-3-506
  wild, defined as, 70-2-112
  wolverines, trapping, 87-2-601, 87-2-602

Fur dealers
  defined, 87-4-301
  licenses
    classification and fees, 87-4-304
    issuance and expiration, 87-4-305
    required when, 87-4-303
  nonresidents, 87-4-301, 87-4-304
  records, 87-4-302
  sales, 87-4-303
  violations and penalty, 87-1-102, 87-4-306

Fur farms, See **Game or fur farms**

Game animals, See also **HUNTING AND HUNTERS**
  abandonment of carcasses unlawful, 87-1-102, 87-3-102
  acquisition, 87-1-221

FISH AND WILDLIFE (Continued)

Game animals (Continued)
- bears
  - carcasses, removal of specified parts, 87-3-102
  - grizzly
    - carcasses, parts for scientific purposes, 87-3-102
    - policy of state, 87-5-301
    - regulations respecting, 87-5-302
  - rules relative to tagging, possession, and transportation, 87-1-201
  - stock-killing, 87-3-127
  - traps, inspection, 87-3-127
  - unlawful taking, killing, possessing, transporting, wasting, trapping, or shooting — penalty, 87-1-102, 87-3-102
- carcasses, See **Carcasses**
- closed season violations, 87-3-104
- commercial sales, 87-4-701 — 87-4-705
- confiscation, See **Confiscated birds and animals**
- deer
  - city limits, taking within, 87-3-305
  - shotgun
    - hunting with, only — when, 87-1-304
    - loads, regulation, 87-3-301
- defined, 87-2-101
- distribution, 87-1-221
- dogs killing or attacking, destruction allowed when, 87-3-124
- experimental purposes, acquisition for, 87-1-221
- farms for propagation, owning, or controlling, See **Game or fur farms**
- harassment prohibited, 87-3-125, 87-3-126
- hides and heads, See **Hides, heads, and mounts**
- hunting regulations, See **HUNTING AND HUNTERS**
- illegally taken, removal from state, 87-1-102, 87-3-113
- importation, 87-1-221
- indian lands, protection of on, 87-1-228
- introduction unlawful when, 87-1-102, 87-3-105
- license to hunt, See **FISH AND GAME LICENSES AND PERMITS**, **Hunting licenses**
- limitation on kill, 87-1-102, 87-3-103
- management projects for, 87-1-210
- mountain lion
  - carcasses, removal of specified parts, 87-3-102
  - dogs, hunting with — rules, 87-3-124
  - stock-killing, 87-3-124
- number killed, limitation, 87-1-102, 87-3-103
- poaching unlawful, 87-1-102, 87-2-103
- possession unlawful when, 87-1-102, 87-3-112
- preservation, propagation, and protection
  - animals acquired for, 87-1-209, 87-1-221
  - enforcement of laws for, 87-1-201
  - funds for, 87-1-201, 87-1-221
  - land or water for, 87-1-209
  - policies for, 87-1-301
  - property for, sale, 87-1-201
- preserves, restrictions on, See **Preserves and refuges**
- ranges for, acquisition, 87-1-209
- raptors, harassment by, 87-5-207
- refuges for, See **Preserves and refuges**
- restoration, 87-1-209
- scientific purposes
  - acquisition for, 87-1-221
  - permit to take for, 87-2-806, 87-5-109
- seasons for hunting, See **Seasons**, generally
- shipment, See **Shipping**, generally
- supervision of, 87-1-201

FISH AND WILDLIFE (Continued)

Game animals (Continued)
  tagging carcasses, See **Tags and tagging**
  transplantation unlawful when, 87-1-102, 87-3-105
  unlawful taking, killing, possessing, transporting, wasting, trapping, buying, selling, or shooting — penalty, 87-1-102, 87-2-103, 87-3-102, 87-3-103, 87-3-111
  waste unlawful, penalty, 87-1-102, 87-3-102
Game birds, See also **Birds**, generally
  acquisition, 87-1-221
  closed season violations, penalties, 87-1-102, 87-3-104, 87-3-402
  commercial sales, 87-4-701 — 87-4-705
  dogs, hunting with — restrictions, 87-3-124
  experimental purposes, acquisition for, 87-1-221
  farms for propagation, owning, or controlling, See **Game or fur farms**
  harassment prohibited, 87-3-125, 87-3-126
  hunting regulations, See **HUNTING AND HUNTERS**, generally
  illegally taken, removal from state, 87-1-102, 87-3-113
  importation, 87-1-221
  introduction unlawful when, 87-1-102, 87-3-105
  license to hunt, See **FISH AND GAME LICENSES AND PERMITS**, **Hunting licenses**
  migratory, See **Waterfowl**
  possession unlawful when, 87-1-102, 87-3-112
  preservation, propagation, or protection — funds for, 87-1-221
  preserves for, See **Preserves and refuges**, generally
  raptors, use in hunting restricted, 87-5-207
  refuges for, See **Preserves and refuges**, generally
  scientific purposes, acquisition for, 87-1-221
  seasons for hunting, See **Seasons**, generally
  shooting preserves, See **Shooting preserves**
  special seasons, See **Seasons**
  supervision of, 87-1-201
  tag, failure to — penalty, 87-1-102, 87-3-405
  transplantation unlawful when, 87-1-102, 87-3-105
  turkeys, 87-1-102, 87-2-403, 87-3-402, 87-3-404, 87-3-405
  unlawful taking, killing, possessing, transporting, shipping, labeling, packaging, buying, selling, hunting, shooting, or wasting — penalty, 87-1-102, 87-2-103, 87-3-111, 87-3-402
  "upland game birds" defined, 87-2-101
  waste unlawful, penalty, 87-1-102, 87-3-102
  waterfowl, See **Waterfowl**
Game fish, See **Fish**
Game or fur farms
  beaver, 87-4-402
  construction and maintenance, 87-1-221
  escaped animals, 70-2-112
  fences
    construction, 87-4-401
    posting, 87-4-405
  floodways, within, See **FLOODPLAINS AND FLOODWAYS**, **Uses within**, generally
  foundation stock, 87-4-402
  fox farming, 87-4-402
  funding provisions, 87-1-221
  inspections, 87-4-403
  laborers, income tax withholding exemption, 15-30-201
  land or water acquired for, 87-1-209
  marten, 87-4-402
  mink farming, 87-4-402
  ownership of animals within, 70-2-112
  permits regarding, 87-4-401, 87-4-402
  posting, 87-4-405
  reports, annual, 87-4-404

FISH AND WILDLIFE (Continued)

Game or fur farms (Continued)
- skins or pelts, tagging, 87-4-402
- trespass unlawful, 87-4-405

Game preserves, See **Preserves and refuges**
Game wardens, See **FISH AND GAME WARDENS**
Gates, failure to close as criminal mischief, 45-6-101
Grazing districts, wildlife protection within, See **GRAZING DISTRICTS**
Grizzly bears, See **Game animals**, bears; See also **FISH AND GAME LICENSES AND PERMITS**, **Hunting licenses**
Guides, See **OUTFITTERS AND GUIDES**
Guns, See **WEAPONS**, **Firearms**
Hatcheries, See **Fish**
Hawks, See **Birds**
Health and Environmental Sciences, Department of
- beavers and dams endangering public health, investigation and reports regarding, 87-1-224
- lands and waters, rules for recreational use — approval and review by, 87-1-303
- rabies control
  - injunction by, 50-23-106
  - rulemaking authority, 50-23-101, 50-23-105
  - seizure, impounding, testing, or destruction of animals, 50-23-103

Hides, heads, and mounts, See also **Fur-bearing animals**, pelts
- bears, 87-3-102, 87-5-302
- dealers for skins and pelts, See **Fur dealers**
- mountain lion, 87-3-102
- removal unlawful when, 87-3-102
- taxidermy, 87-4-201
- unlawful purchase, sale, or shipment, 87-1-102, 87-3-111

Highways, See **Roads and highways**
Hunting and hunters, See **HUNTING AND HUNTERS**
Importation
- endangered species, 87-5-112
- grizzly bears, 87-5-302
- migratory game birds, 87-3-403
- permits and health certificates, See **LIVESTOCK**, **Importation**
- raptors, 87-5-205, 87-5-206
- salmonid fish or eggs, See **Fish**
- unlawful when, 87-1-102, 87-2-103

Indigent persons, hunger as exception to violations, 87-3-129
Introduction unlawful when, 87-1-102, 87-3-105
Juveniles, See **Minors**
Lakes, See **Waters**, generally
Land, See also **Waters**
- acquisition or exchange, 87-1-209, 87-1-301, 87-1-701 — 87-1-703, 87-1-709, 87-1-711
- closure of areas when, 87-1-304, 87-1-305, 87-3-106, 87-5-402
- counties
  - acquisition proposals, review and hearings, 87-1-713, 87-1-714
  - payments to in lieu of taxes, 87-1-603, 87-1-604
- department-owned, payments in lieu of taxes, 87-1-603, 87-1-604
- easements upon, 87-1-209
- federal acquisitions, 87-1-713, 87-1-714
- federally-owned, cooperative agreements relating to — when, 87-1-703, 87-1-708, 87-1-709
- federal preserves, hunting on contiguous land, 87-1-227
- fire danger, closure of areas, 87-3-106
- fish restoration and management projects, land for, 87-1-701 — 87-1-703
- indian, agreements concerning, 87-1-228
- pittman-robertson act, acquisition under, 87-1-709
- posted when, 45-6-201, 87-5-402
- recreational uses, See also **RECREATION**
  - enforcement provisions, 45-6-203, 87-1-504, 87-1-505
  - funds for facilities, 87-1-605
  - rules for, 87-1-301, 87-1-303
- sale procedures, 87-1-201, 87-1-209

FISH AND WILDLIFE (Continued)

Land (Continued)
  title held by state when
    fish restoration and management projects, 87-1-701, 87-1-702
    wildlife restoration projects, 87-1-708
  trespass, enforcement of provisions regarding, 45-6-201, 45-6-203, 87-1-504, 87-1-505
  use, rules for
    adoption and enforcement, 23-1-106, 87-1-303
    establishment, 87-1-301
Land and Water Conservation Fund Act, implementation, 23-2-101 — 23-2-103
Landowners, See also **Property**
  beavers and dams, removal by, 87-1-224, 87-3-501
  cooperative agreements with, 87-1-210, 87-1-227, 87-1-303
  criminal mischief and trespass, enforcement of provisions respecting, 45-6-101, 45-6-201, 45-6-203, 87-1-504, 87-1-505
  crop damage by wild animals, 87-1-225, 87-1-226
  damage to landowner's property, See **Property**, damage to
  federal preserves, agreements for hunting on contiguous land, 87-1-227
  hunting, See **HUNTING AND HUNTERS**, **Property owner's right**
  livestock injuries
    by snare traps, liability, 87-3-107
    by stock-killing mountain lions, bears, or bobcats — means of capturing, 87-3-127
  muskrats, removal when, 87-3-501
  permission of, required when — penalty for failure to acquire, 45-6-201, 87-1-102, 87-2-604, 87-3-107, 87-3-125, 87-3-304
  protection of property
    enforcement, 45-6-203, 87-1-504, 87-1-505
    off-road vehicle use, 87-3-125
    outfitters' advisory council, rules for, 87-4-105
  public shooting areas, agreement and payment for, 87-1-227
  refuges established on private land, 87-1-305, See also **Preserves and refuges**, generally
  snare traps on private property, lawful when, 87-3-107
  trapping license and fee, 87-2-602, See also **TRAPPING AND TRAPPERS**
  traps, exception to tagging requirement when, 87-3-504
  vehicles, off-road use, 87-3-125
Laws
  compilation, publication, and distribution, 87-1-405
  enforcement
    attorney general, by, 87-1-105
    county attorneys, by, 87-1-105
    federal laws, 87-3-403
    generally, 87-1-201, 87-1-404
    wardens, by, See **FISH AND GAME WARDENS**
  violations
    fines for, See **Fines, bonds, and penalties**
    general penalty clause, 87-1-102
    prosecution for, See **Violations**
Leases for lands or waters, 23-1-102, 87-1-209
License agents, See **FISH AND GAME LICENSES AND PERMITS**, **Agents**
Licenses and permits, See **FISH AND GAME LICENSES AND PERMITS**
Littering, provisions regarding, See **LITTERING AND LITTER CONTROL**
Livestock, Department of — rabies control
  rules, approval, 50-23-101, 50-23-105
  seizure, impounding, testing, or destruction of animals, 50-23-103
Livestock, taking of wildlife to protect, 87-3-130
Lynx, Canada, See **Fur-bearing animals**, generally
Marten, See **Fur-bearing animals**, generally
Menageries, See **ZOOS AND MENAGERIES**
Migratory game birds, See **Waterfowl**
Mining operations, protection of wildlife from, 82-4-202, 82-4-227, 82-4-231, See **MINES AND MINING**, **Reclamation and restoration**
Mink, See **Fur-bearing animals**, generally; **Game or fur farms**

FISH AND WILDLIFE (Continued)

Minors
  education, safety, 87-2-105
  fishing, See **FISHING AND FISHERMEN**
  hunting, See **HUNTING AND HUNTERS**
  licenses for hunting and fishing, See **FISH AND GAME LICENSES AND PERMITS**, **Hunting licenses**
Moose, See generally **Bow and arrow; Game animals**; See also **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**
Motorboats, See **BOATS AND BOATING**, generally
Motor vehicles, See **Vehicles**
Mountain goats, lions, or sheep, See generally **Bow and arrow; Game animals**; See also **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**
Muskrats, See **Fur-bearing animals**
Natural Streambed and Land Preservation Act, Title 75, chapter 7, part 1, See **RIVERS AND STREAMS, Streambed protection**
Navigable lakes and streams, See **Waters**
Nongame and endangered species, See **NONGAME AND ENDANGERED SPECIES**
Northern swift fox, See **Fur-bearing animals**, generally
Nurseries and rearing ponds, See **Fish**
Open season, See **Seasons**
Ospreys, See generally **Raptors**; See also **NONGAME AND ENDANGERED SPECIES**
Otters, See **Fur-bearing animals**, generally
Outdoor recreational resources development, 23-2-101 — 23-2-103
Outfitters and guides, See **OUTFITTERS AND GUIDES**
Outfitters' Council, See **OUTFITTERS AND GUIDES, Advisory council**
Owls, See **Birds**
Parks, state, See **PARKS, State parks**
Pelts or skins, See **Fur-bearing animals**; See also generally **Hides, heads, and mounts**
Penalties, See **Fines, bonds, and penalties; Violations**, specific violation
Permits, See **FISH AND GAME LICENSES AND PERMITS**
Pesticide regulation, See **PESTS AND PESTICIDES**, generally
Pittman-Robertson Act, assent to, 87-1-708 — 87-1-710
Poaching unlawful, 87-1-102, 87-2-103
Ponds, See **Fish**, private ponds; See also **Waters**, generally
Possession
  bears
    grizzly, authorization for, 87-2-701
    rules for, 87-1-201, 87-5-302
  buffalo, wild — unlawful when, 87-5-303
  commercial, 87-4-702 — 87-4-705
  explosives, unlawful to have in possession when, 87-3-206
  fishing implements, unlawful — penalty for possession, 87-1-102, 87-3-112
  fish or game generally
    effect, 70-2-211
    illegally taken, possession unlawful, 87-1-102, 87-3-113
    inspection of, 87-1-502
    ownership by, 70-2-211
    rabies, animals capable of transmitting, 50-23-102, See also **Rabies control**
    unlawful when, 50-23-102, 87-1-102, 87-2-103, 87-3-111
    unlawfully killed, penalty, 87-1-102, 87-3-112
  game birds, during closed season — penalty, 87-1-102, 87-3-402
  limits, fixing and regulations, 87-1-304
  net or seine, unlawful when, 87-1-102, 87-3-205
  ownership by, 70-2-211
  poison, unlawful to have in possession when, 87-3-206
  rabies, animals capable of transmitting, 50-23-102, See also **Rabies control**
  raptors, See **Raptors**
  tags required on game kept in, 87-2-509, 87-3-405
  unlawful possession, penalty, 50-23-103, 87-1-102, 87-2-103, 87-3-111, 87-3-112
  wild birds, unlawful when, 87-5-201
  wild buffalo, unlawful when, 87-5-303

FISH AND WILDLIFE (Continued)

Posting
- preserves, refuges, sanctuaries, rest grounds, closed districts, and closed seasons, 87-1-202, 87-5-402
- privilege of entry unless posted, 45-6-201
- waterfowl, areas for hunting and shooting, 87-1-227

Predators, See **PREDATORS AND PREDATOR CONTROL**

Preservation, See specific subject

Preserves and refuges
- abandonment or alteration when, 87-5-402
- benton lake wildlife refuge, water supply for, 87-1-707
- boundaries, 87-1-227, 87-5-402
- closure, 87-5-402
- creation
  - preserves, 87-1-301, 87-5-401, 87-5-402
  - refuges, 87-1-301, 87-1-305, 87-1-706, 87-5-402
- federal
  - acquisition proposals, review and hearings, 87-1-713, 87-1-714
  - hunting on contiguous land, 87-1-227
  - jurisdiction of state, 2-1-211
- federal government, acquisition of land by, 87-1-705 — 87-1-707, 87-1-711, 87-1-712
- flathead county migratory bird reserve, 87-1-705, 87-1-706
- flathead lake bird preserve, 87-5-404
- gates of the mountains game preserve, 87-5-406
- migratory birds, for, 87-1-305, 87-1-706
- national bison range, establishment and development, 87-1-711, 87-1-712
- natural areas as part of, 76-12-117, See also **NATURAL AREAS**, generally
- permits
  - capture animals or birds, to, 87-5-401
  - firearms, to carry, 87-5-401
  - predators, to destroy, 87-5-401
- pittman-robertson act, 87-1-708 — 87-1-710
- posting, 87-1-227, 87-5-402
- prohibited acts on, 87-5-401, 87-5-402, 87-5-404, 87-5-406
- public shooting areas, 87-1-227
- raptors, capture prohibited, 87-5-206
- resting, breeding, and feeding grounds for migratory birds, 87-1-305, 87-1-706, 87-5-402
- shooting preserves, See **Shooting preserves**
- sun river game preserve, 87-5-402, 87-5-403
- teton-spring creek bird preserve, 87-5-405
- trapping allowed when, 87-5-401
- university of Montana biological reserve, See **UNIVERSITY OF MONTANA**, **Biological station**
- violations and penalties, 87-1-102, 87-5-401, 87-5-402
- waterfowl sanctuaries, 87-1-305, 87-1-706, 87-1-713, 87-1-714

Prizes prohibited, 87-3-121

Propagation, See specific subject

Property, See also **Landowners**; **HUNTING AND HUNTERS**, **Property owner's rights**
- damage to
  - beaver or dams obstructing stream, destruction, 87-1-224
  - beaver or muskrats, by, 87-3-501
  - criminal mischief, 45-6-101
  - criminal trespass, 45-6-201, 45-6-203, 87-1-504, 87-1-505
  - crop damage caused by wild animals, 87-1-225, 87-1-226
  - enforcement of penalties, 23-1-106
  - fences, destruction or damage unlawful, 87-1-102
  - warden's duties respecting, 87-1-504, 87-1-505
  - wild animals, damage by, 87-1-225, 87-1-226
- protection of private property, 23-1-106, 87-1-504, 87-1-505
- sale, disposition of proceeds, 87-1-201
- snare traps set on, lawful when, 87-3-107

Prosecution of violations, See **Violations**

FISH AND WILDLIFE (Continued)

Protection, See specific subject
Protection of persons or livestock, taking of wildlife for, 87-3-130
Purchase unlawful when, 87-1-102, 87-2-103, 87-3-111
Rabies control
  definitions, 50-23-101
  destruction of animals, 50-23-103
  enforcement, 50-23-106
  expenses, 50-23-104
  health and environmental sciences, department of — authority, 50-23-101, 50-23-103 50-23-105, 50-23-106
  impounding of animals, 50-23-103
  injunction, 50-23-106
  livestock, department of — authority, 50-23-101, 50-23-103, 50-23-105
  possession of animals capable of transmitting prohibited, 50-23-102, 50-23-103
  preexisting possession, 50-23-102
  quarantine of animals, 50-23-103
  rulemaking authority, 50-23-101, 50-23-105
  seizure of animals, 50-23-103
  testing of animals, 50-23-103
Rangeland and range management, See generally **GRAZING DISTRICTS RANGELAND RESOURCES**
Raptors, See also **Birds**, generally
  defined, 87-5-202
  falconry
    age requirement, 87-5-204
    game bird license required when, 87-5-204
    licensing requirements and fees, 87-5-204, 87-5-208
    rules for, 87-5-204
    species allowed, 87-5-205
  nonresident provisions, 87-5-208
  penalty for violations, 87-1-102
  possession
    limitations, 87-5-206
    unlawful when, 87-5-204
  regulation, 87-5-203
  restrictions, 87-5-204, 87-5-206, 87-5-207
  sale unlawful, 87-5-203, 87-5-206
  shipping restrictions, 87-5-203, 87-5-206
  species allowed, 87-5-205
  taking, method of, 87-5-206
  training unlawful when, 87-5-204
  transporting allowed when, 87-5-206
  trapping allowed when, 87-5-206
  use restrictions, 87-5-207
Recreation resources, See **PARKS, State parks; RECREATION, Outdoor recreation resources**
Refuges, See **Preserves and refuges**
Renewable resource development, 90-2-101, See **RENEWABLE RESOURCE DEVELOPMENT**, generally
Research, See **Scientific purposes**
Resting, feeding, and breeding grounds, See **Preserves and refuges**
Revenue, See **Funds and funding**
Rifles, See **WEAPONS, Firearms**
Rivers, See **Waters**, generally
Roads and highways, connecting state highways and state parks, 23-1-104
Roadside menageries, See **ZOOS AND MENAGERIES**
Sable, See **Fur-bearing animals**, generally
Sales
  aquatic insects, unlawful when, 87-1-102, 87-4-604
  commercial, 87-4-701 — 87-4-705
  confiscated birds and animals, See **Confiscated birds and animals**
  fish or spawn, prohibited, 87-1-102, 87-4-601

FISH AND WILDLIFE (Continued)
Sales (Continued)
    fur dealers, by, 87-4-303
    lands or waters, procedures, 87-1-209
    licenses, fishing and hunting, See **FISH AND GAME LICENSES AND PERMITS**, generally
    raptors, See **Raptors**
    unlawful when, 87-1-102, 87-2-103, 87-3-111, 87-3-501, 87-4-601, 87-4-705, 87-5-201
    whitefish, 87-4-605
    wild birds, unlawful, 87-5-201
Salmonid fish or eggs, See **Fish**
Sanctuaries, See **Preserves and refuges**, generally
Scientific purposes
    collector's permits, 87-2-806, 87-5-401
    grizzly bear parts designated for, 87-3-102
    migratory game birds, collecting for, 87-4-401
    nongame wildlife, management for, 87-5-103
    permits for taking
        endangered species, 87-5-109
        fish and game generally, 87-2-806, 87-5-401
Search and seizure, See **Seizure**
Seasons
    closed
        declared when, 87-1-304, 87-5-302
        defined, 87-2-101
        fur-bearing animals, violations, 87-1-102, 87-2-103
        game birds, violation and penalty, 87-1-102, 87-3-402
        hunting, fishing, or trapping during — unlawful, 87-1-102, 87-2-103, 87-3-104
        migratory game birds, 87-1-102, 87-3-403
        preserves and refuges, applicability, 87-5-402
    defined, 87-2-101
    fixing of, 87-1-304
    fur-bearing animals, for, 87-3-501
    indian lands, on, 87-1-228
    limits, fixing, 87-1-304
    open
        declared when, 87-1-304, 87-2-403, 87-3-402, 87-5-302
        defined, 87-2-101
    shooting preserves, duration, 87-4-521
    special, when, 87-1-225, 87-1-304
Seining licenses, See **FISH AND GAME LICENSES AND PERMITS**
Seizure, See also **Confiscated birds and animals**
    carriers' shipments or fish and game, when, 87-1-102, 87-3-115
    game or hides, 87-1-201, 87-1-513
    wardens' powers and liability, 87-1-506, 87-1-513
Shipping
    aquatic insects, unlawful, 87-1-102, 87-4-604
    carrier violations, penalty, 87-1-102, 87-3-115
    fish or game illegally taken, unlawful, 87-1-102
    illegally taken animals or parts thereof, unlawful, 87-1-102, 87-3-113
    labeling of packages, 87-1-102, 87-3-114
    license required for, 87-2-103
    marten skins, 87-3-502
    raptors, restrictions, See **Raptors**
    unlawful when, 87-1-102, 87-2-103, 87-3-111
Shooting preserves
    amount of game recoverable, 87-4-523, 87-4-526
    boundaries, posting, 87-4-502
    floodways, within, See **FLOODPLAINS AND FLOODWAYS**, **Uses within**, generally
    inspections, 87-4-526, 87-4-528
    licenses or permits
        authorization for, 87-4-501
        commercial, 87-4-505

FISH AND WILDLIFE (Continued)

- **Shooting preserves** (Continued)
  - licenses or permits (Continued)
    - fees, 87-4-503
    - issuance, 87-4-502
    - membership, 87-4-505
    - requirements, 87-4-502
    - revocation and reissuance, 87-4-506
    - types, designation, 87-4-505
  - listing to be kept, 87-4-505
  - nonresidents, requirements, 87-4-504
  - location, 87-4-502
  - operators, restrictions established by, 87-4-524
  - posting, 87-4-502
  - records to be kept, 87-4-526
  - regulations, 87-4-501
  - restrictions, 87-4-524
  - seasons, duration, 87-4-521
  - shooters
    - bird license required, 87-4-504
    - registration, 87-4-526
  - size, 87-4-502
  - species to be hunted, 87-4-522
  - stocking, 87-4-522
  - tagging, 87-4-525
  - wild birds, harvesting, 87-4-527
- **Skins or pelts**, See **Fur-bearing animals**; See also **Hides, heads, and mounts**, generally
- **Skunks**, See **PREDATORS AND PREDATOR CONTROL**, generally
- **Snowmobiles**, See **SNOWMOBILES**
- **Soil conservation districts**, See **CONSERVATION DISTRICTS**, generally
- **Spawn**, See **Fish**
- **Sportsman-landowner relationships**, See **Landowners**, generally
- **State conservation officers**, See **FISH AND GAME WARDENS**, generally
- **State-federal relationships**, See **Federal-state relationships**
- **Statistics concerning**, 87-1-210
- **Stream protection**, See **RIVERS AND STREAMS**, **Streambed protection**
- **Streams and rivers**, See **Waters**, generally
- **Supervision**, 87-1-201
- **Tags and tagging**
  - bears
    - grizzly, for, 87-5-302
    - rules for, 87-1-201, 87-5-302
  - fur farms, products from, 87-4-402
  - game animals, carcasses, 87-2-509, 87-5-302
  - marten skins, 87-3-502, 87-4-402
  - shooting preserves, requirements on, 87-4-525
  - snare traps, requirements, 87-3-107
  - traps, metal tag requirements, 87-3-504, 87-3-505
  - validation, 87-1-102, 87-2-509, 87-3-404, 87-3-405
  - wild turkeys, 87-1-102, 87-2-403, 87-3-404, 87-3-405
- **Taking of wildlife to protect persons or livestock**, 87-3-130
- **Taxidermy and taxidermists**, 87-1-102, 87-4-201
- **Trafficking of body parts of unlawfully taken wildlife**, unlawful, 87-3-111
- **Transplantation**
  - authorization for, 87-3-105
  - beavers, allowed when, 87-1-224
- **Transporting**, See **Shipping**
- **Trapping**, See **TRAPPING AND TRAPPERS**
- **Trespass**
  - criminal, 45-6-201, 45-6-203, 87-1-504, 87-1-505
  - fur farms, posted, 87-4-405
- **Trophies**
  - grizzly bear trophy license, 87-2-701

FISH AND WILDLIFE (Continued)

Trophies (Continued)
    killing for trophy only, unlawful, 87-1-102, 87-3-102
    sale, purchase, and transporting, 87-3-111
Turkeys, See **Game birds**
University of Montana Biological Reserve, See **UNIVERSITY OF MONTANA, Biological station**
Unlawful practices, See **Violations**
Upland game birds, See **Game birds**; See also **FISH AND GAME LICENSES AND PERMITS, Hunting licenses**, game birds
Vehicles
    archers, use regulations, 87-1-304
    federal land, hunting on — applicability of off-road use restrictions, 87-3-125
    hunting from, unlawful, 87-1-102, 87-3-101, 87-3-122
    off-road use, 87-3-125
    searches, powers concerning, 87-1-506
    spotlighting from, unlawful when, 87-3-122
Violations
    aquatic insects, commercial exportation, 87-1-102, 87-4-604
    bag limit prizes, 87-3-121
    birds
        destruction of birds, nests, or eggs, 87-1-102, 87-5-201, 87-5-401, 87-5-404, 87-5-406
        possession, 87-1-102, 87-3-112
    bison — unlawful taking, killing, possessing, transporting, or wasting, 87-1-102
    body parts of unlawfully taken wildlife, trafficking, 87-3-111
    carcasses, abandonment or waste, 87-1-102, 87-3-102
    checking stations, failure to stop and report at, 87-1-208
    compromise prohibited, 87-1-502
    construction or hydraulic violations, stream damage by, 87-5-509
    contests, 87-1-102, 87-3-121, 87-3-307
    exception to, hunger as, 87-3-129
    explosives, use, 87-1-102, 87-2-806
    fences, failure to close, 45-6-101
    fines for violations
        disposition, See **Fines, bonds, and penalties**
        generally, See specific violation
    fingerprinting and photographing of accused when, 44-5-202
    fish
        eggs, introduction or transplantation, 87-1-102, 87-3-105
        game fish — sale, shipment, or possession, 87-1-102, 87-4-601
        possession, 87-1-102, 87-3-112
        sale, 87-1-102, 87-4-601
        salmonid fish or egg provisions, 87-1-102, 87-3-224
        spawn, sale, 87-1-102, 87-4-601
        transplantation, 87-1-102, 87-3-105
    fishing, See **FISHING AND FISHERMEN**
    fur-bearing animals
        beaver, destruction of houses, 87-3-503, 87-3-505
        importation, 87-1-102, 87-2-103
        muskrats, destruction of houses, 87-3-503, 87-3-505
        pelts
            possession, 87-1-102, 87-3-501
            sales, 87-1-102, 87-3-501, 87-3-502, 87-3-505
            shipment, 87-3-501
        possession, 87-1-102, 87-3-501
        sales, 87-1-102, 87-3-501
        shipment, 87-1-102, 87-3-501
        transplantation, 87-1-102, 87-3-105
        wasting, 87-3-506
    fur dealers, generally, 87-1-102, 87-4-306
    fur farms, trespass on, 87-1-102, 87-4-405
    game animals
        abandonment of carcasses, 87-1-102, 87-3-102

FISH AND WILDLIFE (Continued)

Violations (Continued)
- game animals (Continued)
  - bears — unlawful taking, killing, possessing, transporting, wasting, trapping, or shoo
    ing, 87-1-102, 87-3-102
  - overkill, 87-1-102, 87-3-103
  - poaching, 87-1-102, 87-2-103
  - possession, 87-1-102, 87-3-112
  - transplantation, 87-1-102, 87-3-105
  - waste, 87-1-102, 87-3-102
- game birds
  - tagging, 87-1-102
  - transplantation, 87-1-102, 87-3-105
  - turkeys, failure to tag, 87-1-102, 87-3-405
  - waste, 87-1-102, 87-3-102
- game, commercial sale or possession, 87-1-102, 87-4-703, 87-4-705
- game or fur farms, trespass on, 87-4-405
- gates, failure to close, 45-6-101
- harassment, 87-1-102, 87-3-125
- hides, heads, or mounts — unlawful purchase, sale or shipment, 87-1-102, 87-3-111
- hunger as exception to, 87-3-129
- hunting, See **HUNTING AND HUNTERS**
- illegally taken, removal from state, 87-1-102, 87-3-113
- importation, 87-1-102, 87-2-103
- introduction, 87-1-102, 87-3-105
- jurisdiction in justice's court, 3-10-303
- landowner permission, failure to acquire, 87-1-102, 87-3-107, 87-3-125, 87-3-304
- land, trespass on, 45-6-203
- laws, fish and game — generally, 87-1-102
- licensing, See **FISH AND GAME LICENSES AND PERMITS**
- migratory game birds, federal regulations, 87-1-102, 87-3-403
- penalties for violations, See specific violation
- poaching, 87-1-102, 87-2-103
- possession
  - buffalo, wild, 87-5-303
  - explosives, 87-1-102, 87-3-206
  - fishing implements, unlawful, 87-1-102, 87-3-112
  - fish or game generally, 87-1-102, 87-2-103, 87-3-111 — 87-3-113
  - game birds during closed season, 87-1-102, 87-3-402
  - net or seine, 87-1-102, 87-3-205
  - poison when, 87-1-102, 87-3-206
  - unlawful, 87-1-102, 87-2-103, 87-3-111, 87-3-112
  - wild birds, 87-5-201
- property
  - criminal mischief, 45-6-101
  - criminal trespass, 45-6-201, 45-6-203
  - fence damage or destruction, 87-1-102
- prosecution for
  - confiscated birds and animals, sale moneys paid to defendants when, 87-1-513
  - cost bills, 87-1-104, 87-1-601
  - hunger as defense, 87-3-129
- purchase, 87-1-102, 87-2-103, 87-3-111
- raptors — possession, sale, or training without license, 87-1-102, 87-5-203, 87-5-204, 87-5-2(
- sales
  - aquatic insects, 87-1-102, 87-4-604
  - fish or spawn when, 87-1-102, 87-4-601
  - generally, 87-1-102, 87-2-103, 87-3-111, 87-3-501, 87-4-601, 87-4-705, 87-5-201
  - wild birds, 87-5-201
- seasons, closed
  - fur-bearing animals, taking during, 87-1-102, 87-2-103, 87-3-501, 87-3-505
  - game animals, taking during, 87-3-104
  - game birds, taking during, 87-1-102, 87-3-104, 87-3-402

FISH AND WILDLIFE (Continued)

Violations (Continued)
  seasons, closed (Continued)
    hunting, fishing, or trapping during, 87-1-102, 87-2-103, 87-3-104
    migratory game birds, taking during, 87-1-102, 87-3-403
  settlement of violations out of court prohibited, 87-1-502
  shipping
    aquatic insects, 87-1-102, 87-4-604
    carriers, 87-1-102, 87-3-115
    illegally taken fish or game or parts thereof, 87-1-102, 87-3-113
    mislabeling of packages, 87-1-102, 87-3-114
    unlawful, 87-1-102, 87-2-103, 87-3-111
  tags, failure to validate, 87-1-102, 87-2-403, 87-2-509, 87-3-403, 87-3-405
  taxidermists generally, 87-1-102, 87-4-201
  trafficking body parts of unlawfully taken wildlife, 87-3-111
  trapping, See **TRAPPING AND TRAPPERS**
  trespass
    criminal, 45-6-201, 45-6-203
    fur farms, on, 87-4-405
  unlawful taking, killing, possessing, transporting, shipping, labeling, packaging, buying, selling, hunting, trapping, shooting, or wasting, 87-1-102, 87-2-103, 87-3-102, 87-3-103, 87-3-111, 87-3-402, 87-3-506, 87-5-303
  vehicles
    harassment of wildlife with, 87-3-125
    spotlighting from, 87-3-122
  waste, 87-1-102, 87-3-102, 87-3-506
Wardens, See **FISH AND GAME WARDENS**
Waste unlawful, 87-1-102, 87-3-102
Waterfowl, See also **Birds**
  bag limits, See **Bag limits**
  closed season violations, 87-1-102, 87-3-403
  defined, 87-2-101
  federal refuges, See **Preserves and refuges**
  federal regulations, applicability, 87-3-403, 87-4-401
  food, funds for, 87-1-221
  "migratory game birds" defined, 87-2-101
  preservation, propagation, or protection, 87-1-301, 87-1-713, 87-1-714
  preserves and refuges for, See **Preserves and refuges**, generally
  reservations for, See **Preserves and refuges**
  resting, feeding, and breeding grounds for, See **Preserves and refuges**
  seasons for, See **Seasons**, generally
  supervision of, 87-1-201
Waters, See also **Land**
  acquisition or exchange, 87-1-209, 87-1-301, 87-1-713, 87-1-714
  artificial lakes or ponds, See **Fish**, private ponds
  beavers and dams, destruction when, 87-1-224
  boats, on, See **BOATS AND BOATING**
  closure, when, 87-1-304, 87-1-305, 87-5-402
  conservation for wildlife, 75-5-101, 85-9-102, See also **WATER QUALITY**, generally
  construction projects on, See **RIVERS AND STREAMS**, **Construction or hydraulic projects**
  development, 85-9-102
  easements upon, 87-1-209
  federal acquisitions, 87-1-713, 87-1-714
  fish, See **Fish**, generally
  fishing, provisions for, See **FISHING AND FISHERMEN**
  improvement, 85-9-102
  indians, agreements concerning, 87-1-228
  interstate privileges, subject to, 87-2-1003
  natural streambed and land preservation act, Title 75, chapter 7, part 1, See **RIVERS AND STREAMS**, **Streambed protection**
  navigable lakes and streams subject to fishing rights, 87-2-305
  posted when, 87-5-402

FISH AND WILDLIFE (Continued)

Waters (Continued)
- recreation
  - funds for frontages, 87-1-605
  - use, rules for, 87-1-301, 87-1-303
- sale procedures, 87-1-209
- stream protection, See **RIVERS AND STREAMS, Streambed protection**
- swimming at public reservoirs and lakes, rules for, 87-1-303
- use, establishment of rules for, 87-1-301

Weasels, See **PREDATORS AND PREDATOR CONTROL**, generally
Wild birds, See **Birds**, generally
Wild buffalo, See **Bison**
Wildlife generally, See also specific subject
- conservation
  - assent to pittman-robertson act, 87-1-708 — 87-1-710
  - renewable resource, as, 90-2-101, See **RENEWABLE RESOURC DEVELOPMENT**, generally
- endangered species, See **NONGAME AND ENDANGERED SPECIES**
- flood control projects, See **FLOODS, Control projects**
- harassment unlawful when, 87-1-102, 87-3-125
- management
  - areas, acquisition, 87-1-209
  - floodways, within, See **FLOODPLAINS AND FLOODWAYS, Uses within**, generally
  - nongame, See **NONGAME AND ENDANGERED SPECIES**
  - predator control, See **PREDATORS AND PREDATOR CONTROL**, generally
  - renewable resource, as, 90-2-101, See **RENEWABLE RESOURC DEVELOPMENT**, generally
  - training, cooperative agreements for, 87-1-211
- nongame species, See **NONGAME AND ENDANGERED SPECIES**
- nongame wildlife
  - defined, 87-2-101
  - trapping, 87-2-603, 87-2-604
- ownership, 70-2-111
- preservation, propagation, and protection
  - enforcement of laws respecting, 87-1-502
  - fish propagation, See **Fish**, generally
  - game farms for, See **Game or fur farms**
  - policies respecting, 87-1-301
  - preserves and refuges, See **Preserves and refuges**
  - stream protection, See **RIVERS AND STREAMS, Streambed protection**
- renewable resource, development as, 90-2-101, See **RENEWABLE RESOURCE DEVELOPMENT**, generally
- research, training, and other projects, 87-1-210
- supervision of, 87-1-201
- water conservation projects, See **FLOODS, Control projects**
- waters for, See **Waters**, generally

Wild turkeys, See **Game birds**, turkeys
Wolverines, See **Fur-bearing animals**
Zoos and menageries, See **ZOOS AND MENAGERIES**

FISHERS

See **FISH AND WILDLIFE, Fur-bearing animals**, generally

FISH HATCHERIES

See **FISH AND WILDLIFE, Fish**

FISHING AND FISHERMEN

See also **FISH AND WILDLIFE**, generally

Access sites
- acquisition, 87-1-209, 87-1-605

FISHING AND FISHERMEN (Continued)

Access sites (Continued)
  funding for, 87-1-605
  rules for recreational use, 87-1-303
"Angling" or "fishing" defined, 87-2-101
Bait
  fish as, restrictions, 87-3-203
  poison unlawful, 87-3-204, 87-3-206
  restrictions generally, 87-3-204
Barbed fork, possession unlawful when, 87-1-102, 87-3-112
Boats, See also **BOATS AND BOATING**
  fishing from, 87-3-203
  operation near fishermen restricted, 23-2-525
Bow and arrow, use allowed when, 87-3-204
Burbot, taking with spear or gig — when, 87-3-204
Checking stations
  inspection of fish or license in possession, 87-1-207, 87-1-208
  penalty for failure to stop and report, 87-1-208
Children, See **Minors**
Closed season, fishing unlawful, 87-1-102, 87-3-104
Closure of areas for, 87-1-304
Commercial fishing, See **FISH AND WILDLIFE, Commercial activities**
Dead animals, dumping or leaving, 75-10-212, 75-10-233
Defined, 87-2-101
Dumping garbage, dead animals, or refuse, 75-10-212, 75-10-233
Easement for, 70-17-101, 70-17-102
Explosives, use unlawful, 87-1-102, 87-2-806, 87-3-206
Federal territory, rights within, 2-1-202
Fire danger areas, fishing prohibited, 87-3-106
Fishtraps, use unlawful, 87-1-102, 87-3-204
Floodways, areas within, See **FLOODPLAINS AND FLOODWAYS, Uses within**, generally
Fort Peck Dam territory, rights within, 2-1-209
Garbage, dumping or leaving, 75-10-212, 75-10-233
Golden years pass to access sites, 23-1-105
Grab hooks, use unlawful, 87-1-102, 87-3-204
Guides for, See **OUTFITTERS AND GUIDES**
Illegally taken fish, removal from state, 87-1-102, 87-3-113
Implements, unlawful — possession and penalty, 87-1-102, 87-3-112
Indian lands, privileges upon, 87-1-228
Inspection of fish or license, 87-1-502
Interstate privileges
  fishing devices and equipment, regulations, 87-2-1002
  reciprocity when, 87-2-1001
  violation of rules for, penalty, 87-2-1004
  waters subject to, 87-2-1003
Landing net or gaff, use allowed when, 87-3-204, 87-3-205
Landlord-tenant provisions, exclusion, 70-24-104
Landowner, liability to gratuitous licensee, 70-16-301, 70-16-302
Lands or waters for public fishing areas
  acquisition, 87-1-209
  closure, 87-1-304, 87-1-305
  navigable waters subject to fishing rights, 87-2-305
  rules for recreational use, 87-1-303
Licenses for, See **FISH AND GAME LICENSES AND PERMITS**
License to be in possession, 87-1-102, 87-2-109
Ling, taking with spear or gig — when, 87-3-204
Littering unlawful, 75-10-212, 75-10-233, 87-1-102, 87-2-112
Lures, 87-3-203
Methods of taking, 87-3-204 — 87-3-206
Minnows, taking by net, 87-3-204
Minors
  exclusive use of certain waters, 87-1-304
  privileges relative to, See **FISH AND GAME LICENSES AND PERMITS**

FISHING AND FISHERMEN (Continued)

- **Outfitters**, See **OUTFITTERS AND GUIDES**
- **Paddlefish**, 87-2-306
- **Poison**, use unlawful, 87-1-102, 87-3-204, 87-3-206
- **Possession of unlawfully taken fish or unlawful implements**, 87-1-102, 87-3-111 87-3-112, 87-3-205
- **Privileges**
  - forfeited when, 87-1-102, 87-2-112
  - indian land, upon, 87-1-228
- **Property owner**, liability to gratuitous licensee, 70-16-301, 70-16-302
- **Public access or fishing areas**, See **Access sites**
- **Recreational purpose**, defined as, 70-16-301
- **Refuse**, dumping or leaving, 75-10-212, 75-10-233
- **Rules**, establishment, 87-1-301
- **Seasons for**, See **FISH AND WILDLIFE**, **Seasons**, generally
- **Seines or nets**
  - authorized when, 87-3-204, 87-3-205
  - possession unlawful when, 87-1-102, 87-3-205
  - use unlawful when, 87-1-102, 87-3-204
- **Seining license**, 87-3-205, 87-4-602
- **Senior citizens**, golden years pass to access sites, 23-1-105
- **Set guns unlawful**, 87-1-102, 87-3-204
- **Setlines allowed when**, 87-3-204
- **Skin diving**, spearfishing permitted when, 87-3-204
- **Snagging allowed when**, 87-3-204
- **Spearfishing**, 87-3-204
- **Spear or gig**
  - burbot (ling), taking when, 87-3-204
  - possession unlawful when, 87-1-102, 87-3-112
  - use allowed when, 87-3-204
- **Stream protection**, See **RIVERS AND STREAMS**, **Streambed protection**
- **Torts**, liability of property owner, 70-16-301, 70-16-302
- **Traps prohibited**, 87-1-102, 87-3-204, 87-3-205
- **Unlawful taking, killing, possessing, transporting, shipping, labeling, buying selling, packaging, or wasting of fish** — penalty, 87-1-102, 87-2-103, 87-3-111
- **Unlawful when**, 87-1-102, 87-3-104
- **Violations**
  - barbed fork, possession, 87-1-102, 87-3-112
  - checking stations, failure to stop and report, 87-1-208
  - closed season, fishing during, 87-1-102, 87-3-104
  - explosives, use of, 87-1-102, 87-2-806, 87-3-206
  - fishtraps, use of, 87-1-102, 87-3-204
  - grab hooks, use, 87-1-102, 87-3-204
  - illegally taken fish, removal from state, 87-1-102, 87-3-113
  - implements, possession of unlawful, 87-1-102, 87-3-112
  - interstate rules, 87-2-1004
  - licensing, See **FISH AND GAME LICENSES AND PERMITS**, **Violations**
  - littering, 87-1-102, 87-2-112
  - poison, use of, 87-1-102, 87-3-204, 87-3-206
  - possession of unlawfully taken fish or unlawful implements, 87-1-102, 87-3-111, 87-3-112 87-3-205
  - seines or nets, possession or use, 87-1-102, 87-3-204, 87-3-205
  - set guns, use, 87-1-102, 87-3-204
  - spear or gig, possession, 87-1-102, 87-3-112
  - traps, use, 87-1-102, 87-3-204, 87-3-205
  - unlawful taking, killing, possessing, transporting, shipping, labeling, buying, selling packaging, or wasting of fish, 87-1-102, 87-2-103, 87-3-111
  - waste of fish, 87-1-102, 87-3-102
- **Waste unlawful**, 87-1-102, 87-3-102
- **Waters for**, See **Lands or waters for public fishing areas**
- **Whitefish**, catching and sales, 87-4-601, 87-4-605

FISH, STATE, 1-1-507

FISH, WILDLIFE, AND PARKS — DEPARTMENT OF

See also generally **EXECUTIVE BRANCH; FISH AND WILDLIFE**

Acquisitions by
  historical sites, 23-1-108
  land or water, See **Lands and waters**
  state parks, 23-1-108
  wildlife, generally, 87-1-221
Advisory Council, See **OUTFITTERS AND GUIDES, Advisory council**
Archeological sites, authority, 23-1-107, See **ANTIQUITIES; PARKS, State parks**
Bears, provisions for, See **FISH AND WILDLIFE, Game animals**
Beavers and dams, removal procedures, 87-1-224
Bid requirements
  construction projects, 87-1-211
  sale of lands or waters, 87-1-209
Biological programs, establishment, 87-1-210
Biological station, See **UNIVERSITY OF MONTANA**
Birds, game — duties concerning, See **FISH AND WILDLIFE, Birds; Game birds; Waterfowl**
Bison, rules for protection, 87-5-303
Boats, duties concerning, See **BOATS AND BOATING**
Bounty claim procedures, 87-1-206, See also **PREDATORS AND PREDATOR CONTROL**
Budget, approval for, 87-1-301
Buffalo, wild — rules for protection, 87-5-303
Checking stations, establishment, 87-1-207
Claims, payment procedures, 87-1-602
Clothing for hunters, rules to implement color requirements, 87-3-302
Commercial activities involving wildlife, See **FISH AND WILDLIFE, Commercial activities**
Condemnation powers, See **Eminent domain**
Confiscated carcasses donated to public entities when, 87-1-512
Construction projects
  approval and review, 87-1-301
  bid requirements, 87-1-211
  contracts for, 87-1-211
  lakes and streams, on, See **RIVERS AND STREAMS, Construction or hydraulic projects; Streambed protection**
  plans for, procurement, 87-1-211
  stream protection, responsibility for, See **RIVERS AND STREAMS, Construction or hydraulic projects**
Cooperative agreements
  endangered species, management programs for, 87-5-108
  federal preserves, hunting rights on contiguous land, 87-1-227
  fish restoration and management projects, 87-1-701 — 87-1-703
  hunting rights on land contiguous to federal preserves, 87-1-227
  indian lands, hunting and fishing rights on, 87-1-228
  interstate fishing privileges, 87-2-1001 — 87-2-1004
  nongame wildlife, management programs for, 87-5-108
  research and management training, 87-1-210
  wildlife restoration projects, 87-1-708, 87-1-709
Counsel for indigent persons, expense, 46-8-201
Creation, 2-15-3401
Defined, 87-1-101
Dingell-Johnson Bill, assent to, 87-1-701 — 87-1-703
Director
  appointment as, 2-15-3401
  appointments by, 87-1-404
  beaver, permit for killing or trapping issued when, 87-3-501
  bids for land or water sales, presentation to, 87-1-209
  birds, wild — permits for taking issued when, 87-5-201
  checking station inspections requested by, 87-1-208
  collector's permits issued when, 87-2-806, 87-5-109, 87-5-401

FISH, WILDLIFE, AND PARKS — DEPARTMENT OF (Continued)

Director (Continued)
- confiscated fish or game, duties concerning, See **FISH AND WILDLIFE, Confiscated birds and animals**, generally
- deeds, countersignature required, 87-1-209
- defined, 87-1-101
- department head, as, 2-15-3401
- deputy director, appointment, 87-1-404
- employees, regulation of, 87-1-403
- endangered species, See nongame and endangered species
- falconer's permit issued by, 87-5-201
- field trials, permission for, 87-3-124
- firearms, permits to carry issued when, 87-5-401
- firewarden, as, See **FORESTS AND FORESTRY, Firewardens**
- fish distribution or exchange, 87-3-202
- fish hatcheries
  - construction supervision, 87-3-201
  - supervision, generally, 87-3-202
- fish ponds, private — license applications and report requirements, 87-4-603
- fur-bearing animals, duties concerning, See **FISH AND WILDLIFE, Fur-bearing animals**, generally
- fur dealers, duties concerning, See **FISH AND WILDLIFE, Fur dealers**
- game or fur farms, duties concerning, See **FISH AND WILDLIFE, Game or fur farms** generally
- general provisions, Title 87, chapter 1, part 4
- land, department-owned — vouchers for payments in lieu of taxes, 87-1-603
- laws, fish and game — compilation, publication, and distribution, 87-1-405
- license agents
  - accounts, inspection, 87-2-903
  - appointment, 87-2-901
    - revocation when, 87-2-904
  - surety bond, amount prescribed by, 87-2-902
- licenses, procurement from, 87-2-106
- marten skins, shipping and tagging requirements, 87-3-502
- muskrats, permit for killing or taking issued when, 87-3-501
- nongame and endangered species
  - management programs, establishment, 87-5-108
  - permits for taking, issued when, 87-5-109
  - violators, disposition of wildlife seized from, 87-5-111
- oath and affirmation, 87-1-402
- outfitters and guides, duties concerning, See **OUTFITTERS AND GUIDES**, generally
  - deceased outfitters, approval of family's use of license, 87-4-131
  - guide's equipment, affidavit regarding, 87-4-124
  - license, suspension or revocation, 87-4-142, 87-4-143
- political affiliation prohibited, 87-1-402
- predator destruction, permits issued for — when, 87-5-401, See also **PREDATORS AND PREDATOR CONTROL**
- rulemaking powers, 87-1-401
- salmonid fish or eggs, certification for importation, 87-3-221
- scientific purposes, taking fish or game for — permit issued when, 87-2-806, 87-5-10 87-5-401
- seining licenses, issuance and records, 87-4-602
- taxidermist's license issued by, 87-4-201
- wardens, appointment, 87-1-404
- water pollution control advisory council, member, 2-15-2107
- zoos and menageries, duties concerning, See **ZOOS AND MENAGERIES**, generally

Duties generally, Title 87, chapter 1, part 2

Easements acquired by, 87-1-209

Educational institutions, cooperative agreements with, 87-1-210

Eminent domain, power of — limitation, 23-1-102, 87-1-209
- prohibited when, 87-1-703, 87-1-709

Employees
- ex officio wardens, employees as — when, 87-1-503

FISH, WILDLIFE, AND PARKS — DEPARTMENT OF (Continued)

Employees (Continued)
  expenses, travel, 87-1-403, 87-1-503, 87-1-602
  grievance procedures, 87-1-205, 87-1-403
  hearings demanded by, when, 87-1-403
  political affiliation prohibited when, 87-1-204
  rating, 87-1-403
  salaries, 87-1-403, 87-1-601, 87-1-602
  salmonid fish or eggs, testing and inspection, 87-3-223
  snowmobiles, game management with, 23-2-633
  stock-killing animals, means of pursuit, 87-3-127
  suspension, demotion, or removal, 87-1-201, 87-1-403
Endangered species, duties concerning, See **NONGAME AND ENDANGERED SPECIES**
Enforcement powers, 87-1-201, 87-5-509
Expenditures, See **FISH AND WILDLIFE, Funds and funding**, generally
Facility siting, responsibilities, See **FACILITY SITING**
Falconry, licensing and regulation, See **FISH AND WILDLIFE, Raptors**
Federal
  acquisitions, review and hearings, 87-1-713, 87-1-714
  actions adversely affecting fish and wildlife, reports and records, 87-5-508
  agencies, cooperation with, 23-1-107, 87-1-210, 87-5-107, 87-5-108
  rules, enforcement and applicability to state, 87-3-403
Fire danger areas, request for closure submitted to, 87-3-106
Fish and game wardens, See **Wardens**
Fish, duties concerning, See **FISH AND WILDLIFE, Fish**, generally
Fishing, duties concerning, See **FISHING AND FISHERMEN**, generally
Funds, appropriation and control, See **FISH AND WILDLIFE, Funds and funding**
Fur-bearing animals, duties concerning, See **FISH AND WILDLIFE, Fur-bearing animals**, generally
Game animals, duties concerning, See **FISH AND WILDLIFE, Game animals**, generally
Game birds, duties concerning, See **FISH AND WILDLIFE, Game birds**, generally
Game or fur farms, See **FISH AND WILDLIFE**
Game wardens, See **Wardens**
Grazing districts, wildlife protection within, See **GRAZING DISTRICTS**
Guides and guiding, duties concerning, See **OUTFITTERS AND GUIDES**
Herding wildlife, methods, 87-3-124, 87-3-128
Historical sites and monuments, authority, 23-1-107, See **ANTIQUITIES; PARKS, State parks**
Hunter safety courses provided by, 87-2-105
Hunting, duties concerning, See **HUNTING AND HUNTERS**, generally
Importation of wildlife, generally, 87-1-221
Indian lands, agreement and treaty for hunting and fishing rights, 87-1-228
Installment contracts authorized when, 87-1-209
Interstate fishing privileges, agreements for, 87-2-1001 — 87-2-1004
Introduction of wildlife, authorization for, 87-3-105
Land Commissioners, Board of — approval required when, 87-1-209
Landowner-sportsman relationships, See **FISH AND WILDLIFE, Landowners**
Lands and waters
  acquisition or exchange, 23-1-108, 87-1-209, 87-1-301
  department-owned, payments in lieu of taxes, 87-1-603, 87-1-604
  federal acquisitions, review and hearings, 87-1-713, 87-1-714
  federally-owned, cooperative agreements on, 87-1-703
  fishing, designation of waters for specific methods when, 87-3-204
  fish propagation, control of waters for, 87-1-223
  fish restoration and management projects, cooperative agreements for, 87-1-701 — 87-1-703
  funds for, 87-1-605
  posted when, 87-1-227
  preserves and refuges, closure of land for, 87-5-402
  sale procedures, 87-1-209
  use rules, establishment, 23-1-106, 87-1-301
Lease authority, 23-1-102
Legal adviser, 87-1-105

FISH, WILDLIFE, AND PARKS — DEPARTMENT OF (Continued)

License agents
  inspection, 87-2-903
  submission of duplicate licenses when, 87-2-903
Licenses and permits, duties concerning, See **FISH AND GAME LICENSES AND PERMITS**, generally
Livestock, Department of — cooperation with, 81-7-102
Locating wildlife, methods, 87-3-124, 87-3-128
Meat from wild animals donated to public entities when, 87-1-226, 87-1-512
Menageries, duties concerning, See **ZOOS AND MENAGERIES**
Montana Outfitters' Council, See **OUTFITTERS AND GUIDES, Advisory council**
Natural Streambed and Land Preservation Act, administration, Title 75, chapter 7, part 1, See **RIVERS AND STREAMS, Streambed protection**
Nongame and endangered species, duties concerning, See **NONGAME AND ENDANGERED SPECIES**
Notices, publication
  boundaries of districts, preserves, or refuges, 87-5-402
  construction projects, contract letting, 87-1-211
  legal notice constituted when, 87-1-203
  sale of land or water, requirements, 87-1-209
Offices, location and rental fees, 87-1-106
Orders and rules
  effect, 87-1-203
  enforcement
    actions for, 87-1-201
    bears, regarding, 87-1-201
    generally, 87-1-201, 87-1-404, 87-1-502, 87-1-506
  establishment, 23-1-106, 23-1-202, 87-1-301
  hunting, fishing, and trapping — established for, 87-1-301
  legal notice constituted when, 87-1-203
  posting, 87-1-202
  publication, 23-2-504, 87-1-202
  violation of and penalty, 87-1-102
Outdoor recreation resources, development, See **RECREATION**
Outfitters and guides, duties concerning, See **OUTFITTERS AND GUIDES**
Outfitters Council, See **OUTFITTERS AND GUIDES, Advisory council**
Parks, state — authority over, See **PARKS, State parks**
Personnel, See **Employees**
Personnel Appeals, Board of — orders by, 87-1-205
Pesticide registration, See **PESTS AND PESTICIDES**
Pittman-Robertson Act, assent to, 87-1-708 — 87-1-710
Powers generally, Title 87, chapter 1, part 2
Predator control, cooperation for, See **PREDATORS AND PREDATOR CONTROL**
Preserves and refuges, duties concerning, See **FISH AND WILDLIFE, Preserves and refuges**, generally
Propagation of wildlife, generally, 87-1-221
Property
  damage by wild animals, responsibility regarding, 87-1-225, 87-1-226
  state-owned, sale and disposition of proceeds, 87-1-201
  trust account for development and maintenance, 87-1-601
Public shooting areas, payments authorized for, 87-1-227
Raptors, regulations for, See **FISH AND WILDLIFE, Raptors**, generally
Rangeland Resources Committee, representation on, 2-15-3305
Refuges, duties concerning, See **FISH AND WILDLIFE, Preserves and refuges**
Revenue, See **FISH AND WILDLIFE, Funds and funding**, generally
Rules, See **Orders and rules**
Safety
  boating, program for, 23-2-530, 87-1-303
  hunters, instruction for, 87-2-105
  lands and waters, recreational use rules, 87-1-303
Salmonid fish or eggs, responsibilities regarding, 87-3-221 — 87-3-224
Shooting areas, payments authorized for, 87-1-227

FISH, WILDLIFE, AND PARKS — DEPARTMENT OF (Continued)

Shooting preserves, duties concerning, See **FISH AND WILDLIFE**, **Shooting preserves**, generally
Snowmobiles, authority, See **SNOWMOBILES**
State agencies, cooperative agreements with, 23-1-107, 87-1-210, 87-5-108
State parks, authority over, See **PARKS**, **State parks**
Statistics and information, collection and diffusion, 87-1-210
Stream alteration projects, See **RIVERS AND STREAMS**, **Streambed protection**
Streambed protection, enforcement powers, 87-5-509, See also **RIVERS AND STREAMS**
Supervisory powers, 87-1-201
Tagging provisions prescribed by, 87-2-509
Trapping, duties concerning, See **TRAPPING AND TRAPPERS**, generally
Wardens
  duties prescribed by, 87-1-502
  examination and certificate, 87-1-501
  reports by, 87-1-502
Waterfowl, duties concerning, See **FISH AND WILDLIFE**, **Waterfowl**
Waters, See **Lands and waters**
Whitefish sales, reports concerning, 87-4-605
Wild buffalo, rules for protection, 87-5-303
Zoos and menageries, duties concerning, See **ZOOS AND MENAGERIES**

FIXTURES

See **REAL PROPERTY**

FLAGS

American — schools, procurement and display, 20-3-324
Desecration unlawful, 45-8-215
Trademarks, use of u.s. flag unregistrable, 30-13-303

FLAG, STATE, 1-1-502

FLATHEAD VALLEY COMMUNITY COLLEGE

See **COMMUNITY COLLEGE DISTRICTS**, generally

FLAXSEED

See generally **AGRICULTURAL SEEDS; GRAIN**

FLEET VEHICLES

See **MOTOR VEHICLE REGISTRATION**

FLIGHT SCHOOLS

See **AERONAUTICS**, **Licensing**, instructors

FLOATING CABINS

Waste disposal, 23-2-521

FLOODPLAINS AND FLOODWAYS

Actions regarding, 76-5-109
Alteration, 76-5-203
Appeals from orders concerning, 76-5-209
Artificial obstructions, See **Obstructions**, generally

FLOODPLAINS AND FLOODWAYS (Continued)

Automobile bodies, See **Obstructions**, generally
Buildings, See **Obstructions**, generally
Channel rectification, See **Obstructions**, generally; **Watercourses and drainways**
Conservation districts, See **CONSERVATION DISTRICTS**
Construction projects affecting streams, See **RIVERS AND STREAMS**, **Streambed protection**
Dams, See **Obstructions**, generally
Definitions, 76-5-103
Delineation, program for, 76-5-201
Designation, 76-5-202
  data concerning, 76-5-205
  definitions, 76-5-103
  existing artificial obstructions or nonconforming uses, effect, 76-5-404
Development, 76-5-102
Dikes, See **Obstructions**, generally
Drainways, See **Watercourses and drainways**
Easements for, 70-17-101
Federal supremacy, 76-5-107
Findings, 76-5-101
Floodway obstruction removal fund, 76-5-207, 76-5-405
Hearings
  alteration of floodplain or floodway, 76-5-203
  designation of floodplain or floodway, 76-5-202
  notice, what constitutes, 76-5-204
  obstructions, removal or repair, 76-5-206, 76-5-208
  political subdivision's powers, suspension, 76-5-302
Information concerning, dissemination, 76-5-201
Investigations, 76-5-105, 76-5-206
Land use regulations
  administration, 76-5-102, 76-5-301
  adoption, 76-5-102, 76-5-301, 76-5-302
  distinguishability, 76-5-102
  enforcement, 76-5-102, 76-5-301
  existing artificial obstructions or nonconforming uses, effect, 76-5-404
  federal flood insurance requirements, 76-5-301
Levees, See **Obstructions**, generally
Local government, See **Political subdivisions**
Management
  coordination and technical assistance, 76-5-102
  program, authority for, 76-5-102
Minimum standards
  adoption, 76-5-205
  enforcement, 76-5-302
  land use regulations, 76-5-301, 76-5-302
  variance requests, 76-5-406
Natural Resources and Conservation, Board of
  alteration of floodplain or floodway, 76-5-203, 76-5-204
  defined, 76-5-103
  designation of floodplain or floodway, order for establishment, 76-5-201, 76-5-202, 76-5-204
  federal flood insurance requirements, notification regarding, 76-5-301
  immunity, 76-5-109
  minimum standards
    adoption, 76-5-205
    land use regulations, 76-5-301, 76-5-302
    variance requests, 76-5-406
  nonconforming uses, establishment — authorization, 76-5-301
  obstructions, establishment — authorization, 76-5-301
  orders and rules
    adoption, 76-5-205, 76-5-208
    appeals from, 76-5-209
    enforcement stayed when, 76-5-209
    notice, what constitutes, 76-5-204

FLOODPLAINS AND FLOODWAYS (Continued)

Natural Resources and Conservation, Board of (Continued)
  powers, use, 76-5-109
  remedies, use, 76-5-109
Natural Resources and Conservation, Department of
  appeals, notice — service upon, 76-5-209
  defined, 76-5-103
  delineation, program for, 76-5-201
  designation of floodplain or floodway
    data concerning, 76-5-205
    recording, 76-5-202
  entry upon lands and waters, 76-5-105
  floodway obstruction removal fund, allocation to, 76-5-207
  immunity, 76-5-109
  investigations by, 76-5-105
  management program, authority for, 76-5-102
  minimum standards, enforcement, 76-5-301, 76-5-302
  nonconforming uses, permits for, 76-5-404, 76-5-405
  obstructions
    permits for, 76-5-404, 76-5-405
    powers and duties, 76-5-206
  orders and rules filed with, 76-5-208
  permits issued by
    artificial obstructions or nonconforming uses, for, 76-5-404, 76-5-405
    not required when, 76-5-302
  political subdivisions, consultations with, 76-5-201
  powers, use, 76-5-109
  remedies, use, 76-5-109
  titleholders of land, notice sent to — when, 76-5-208
Nonconforming uses
  establishment prohibited when, 76-5-301, 76-5-404
  existing, effect of provisions, 76-5-404
  investigation, 76-5-105
  maintenance, 76-5-405
  nuisance, declared when, 76-5-404
  owners
    alterations not allowed when, 76-5-404
    removal or repair, orders for, 76-5-208
  permit for, 76-5-404, 76-5-405
  prohibited when, 76-5-403
Obstructions
  damage actions, presumption of cause, 76-5-109
  defined, 76-5-103
  establishment prohibited when, 76-5-301, 76-5-404
  exemption for small drainage area, 76-5-106
  existing, effect of provisions, 76-5-404
  fund, See **Floodway obstruction removal fund**
  investigation, 76-5-105
  maintenance, 76-5-404, 76-5-405
  nuisance, declared when, 76-5-404
  owners
    alterations not allowed when, 76-5-404
    defined, 76-5-103
    removal or repair, orders for, 76-5-206, 76-5-208
  permit for, 76-5-404, 76-5-405
  removal, 76-5-206, 76-5-208
    fund, See **Floodway obstruction removal fund**
  repairs, 76-5-206, 76-5-208
Open-space uses, See **Uses within**
Permits
  added requirement, as, 76-5-108
  artificial obstructions, for, 76-5-404, 76-5-405
  fee, 76-5-405

FLOODPLAINS AND FLOODWAYS (Continued)

- **Permits** (Continued)
  - local control, substitution for, 76-5-302
  - nonconforming uses, for, 76-5-404, 76-5-405
  - remedies, effect on granting or denial, 76-5-109
- **Policy**, 76-5-102
- **Political subdivisions**
  - artificial obstructions, permits for, 76-5-404, 76-5-405
  - consultations with, 76-5-201
  - defined, 76-5-103
  - designation data furnished to, 76-5-205
  - investigation requests by, 76-5-105
  - land use regulations, 76-5-301, 76-5-302
  - management by, 76-5-102
  - minimum standards
    - input concerning, 76-5-205
    - land use regulations, 76-5-301, 76-5-302
  - nonconforming uses, permits for, 76-5-404, 76-5-405
  - permits
    - artificial obstructions or nonconforming uses, for, 76-5-404
    - issuance ordinances, regulations, or resolutions, 76-5-302
  - powers suspended when, 76-5-302
  - responsible
    - defined, 76-5-103
    - entry upon lands and waters, 76-5-105
    - investigations by, 76-5-105
- **Purpose of provisions**, 76-5-102
- **Responsible political subdivisions**, See **Political subdivisions**
- **Riprap**, See **Obstructions**, generally
- **Soil conservation districts**, See **CONSERVATION DISTRICTS**
- **Stream alteration or modification projects**, See **RIVERS AND STREAMS, Streambed protection**
- **Subdivisions prohibited within**, when, 76-3-504
- **Unlawful practices**
  - artificial obstructions or nonconforming uses, establishment when, 76-5-404
  - uses within, penalties, 76-5-110
- **Uses within**
  - floodplain, outside of floodway, 76-5-402
  - nonconforming, See **Nonconforming uses**
  - obstructions, See **Obstructions**
  - open-space, permissible uses, 76-5-401
  - protection from floods, 76-5-102
  - restrictions or prohibitions, 76-5-102
  - variances, 76-5-405
    - criteria, 76-5-205, 76-5-406
  - violations and penalties, 76-5-110
- **Variances**, See **Uses within**
- **Watercourses and drainways**, 76-5-102
  - defined, 76-5-103
  - depression presumed to be, 76-5-104
  - exemption of obstruction when, 76-5-106
  - flood control projects, See **FLOODS, Control projects**
  - titleholders of land abutting
    - investigation requests by, 76-5-105
    - orders affecting, 76-5-208

FLOODS

- **Conservancy districts for prevention**, 85-9-102, See **WATER CONSERVANCY DISTRICTS**
- **Conservation easements**, See **OPEN-SPACE LANDS**
- **Conservation for control**, See **CONSERVATION DISTRICTS**, generally

FLOODS (Continued)

Control projects
- assessments
    - determination, 76-5-1113
    - levy, 76-5-1113, 76-5-1116
- authorization, 76-5-1101
- bonds, authorization and procedure, 76-5-1117
- boundaries, requirements to change, 76-5-1106
- construction
    - costs, 76-5-1111
    - funds and property for, 76-5-1110
- construction of provisions, 76-5-1104
- contracts
    - generally, 76-5-1105
    - governmental, 76-5-1110
    - railroads and highways, for use, 76-5-1109
- election for boundary changes, 76-5-1106
- fees and charges, authorization, 76-5-1115
- funds
    - acceptance, 76-5-1110
    - sources, 76-5-1112, 76-5-1115
- governmental
    - cooperation, 76-5-1110
    - responsibility, 76-5-1107
- highways
    - contracts for use, 76-5-1109
    - right-of-way and property, right to cross, 76-5-1108
- improvement costs, funds for, 76-5-1117
- local responsibility, 76-5-1107
- maintenance
    - assessments for, 76-5-1113
    - fees and charges, 76-5-1115, 76-5-1116
    - funds and property for, 76-5-1110
- methods of organization, 76-5-1104
- operation
    - assessments for, 76-5-1113
    - fees and charges, 76-5-1115, 76-5-1116
- property, acquisition, 76-5-1108, 76-5-1110
- public purpose, 76-5-1103
- railroads
    - contracts for use, 76-5-1109
    - right-of-way and property, right to cross, 76-5-1108
- repairs, 76-5-1116
- right-of-way
    - costs, 76-5-1107, 76-5-1111, 76-5-1112
    - railroads or highways, right to cross, 76-5-1108
- types, 76-5-1102
- work, division into parts, 76-5-1105

Dams and reservoirs, eminent domain for permanent flooding from construction, 70-30-104, See also **EMINENT DOMAIN**

Definitions, 76-5-103

Dikes, See **Control projects**, generally

Disaster services, See **EMERGENCIES AND EMERGENCY POWERS**, generally

Drainage districts to control, See **DRAINAGE DISTRICTS**

Emergency services, See **EMERGENCIES AND EMERGENCY POWERS**, generally

Federal moneys, allocation, 17-3-231, 17-3-232

Flood Control Act, federal — allocation of moneys from, 17-3-231, 17-3-232

Floodplains and floodways, See **FLOODPLAINS AND FLOODWAYS**

Levees, See **Control projects**, generally

100-year frequency
- defined, 76-5-103
- structures within area, construction requirements, 76-5-402

Prevention and conservation, See **CONSERVATION DISTRICTS**, generally

FLOODS (Continued)

Reservoirs, See **Control projects**, generally
Water conservancy districts for prevention, 85-9-102, See **WATER CONSERVANCY DISTRICTS**
Water conservation and flood control projects, See **Control projects**

FLORAL EMBLEM, STATE, 1-1-503

FLOUR AND FLOUR MILLS

See **FOOD AND FOOD PRODUCTS**, **Flour and bread**; **GRAIN**, **Public warehouses**, generally

FLOWER SEEDS

See **AGRICULTURAL SEEDS**

FLUMES

See **CANALS, DITCHES, AND FLUMES**

FLUORITE

See generally **MINES AND MINING**; **STATE LANDS**, **Nonmetallic mineral leases**

FLYING CLUBS

See **AERONAUTICS**, **Licensing**, instructors

FOLKLIFE PRESERVATION ACT, Title 22, chapter 2, part 2

See **ARTS**, **Montana folklife project**

FOOD AND FOOD PRODUCTS

Actions — publication of judgments, decrees, and orders, 50-31-105
Additives
  adulteration, as, 50-31-202
  agricultural chemicals, 50-31-110
  color additives, 50-31-103, 50-31-202, 50-31-203
  defined, 50-31-103
  pesticide chemicals, exclusion, 50-31-103
  rulemaking authority, 50-31-108, 50-31-109
  use, 50-31-109, 50-31-202
Adulterated articles, 50-31-202
  additives, as adulteration when, 50-31-109, 50-31-202
  defined, 50-31-202
  detainer, 50-31-509
  guaranty against, 50-31-507
  undertaking against, 50-31-507
  unlawful, 50-31-501
Advertising
  defined, 50-31-103
  false or misleading
    defined, 50-31-107
    liability, 50-31-507
    presumption, 50-31-107
    unlawful, 50-31-501
Agriculture and products thereof, See **AGRICULTURE**, generally

FOOD AND FOOD PRODUCTS (Continued)

Agriculture, Department of — inspections by, 81-8-701
Applicability of laws, 50-31-102, 50-31-103
    drug laws, exclusion, 50-32-101
    federal laws, 50-31-103, 50-31-108, 50-31-201 — 50-31-203, 50-31-501
    pesticide chemicals, 50-30-201, 50-31-103
Artificial flavorings, labeling requirements, 50-31-203
Associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**
Beef patty mix, 50-31-208, See **MEAT AND MEAT PRODUCTS**
Bread, See **Flour and bread**
Carriers, inspection, 50-31-106
Charities, donated food — liability when unfit for human consumption, 27-1-716
Chewing gum, 50-31-103, 50-31-202
Citation of Food, Drug, and Cosmetic Act, 50-31-101
Color additives, 50-31-103, 50-31-202, 50-31-203, See **Additives**
Condemnation when perishable, 50-31-510
Confectioneries, 50-31-202
Containers
    hazardous substance, reuse for, 50-30-202, 50-30-301
    unsafe, 50-31-202
Cooperative associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**
Criminal charges, See **Unlawful practices**
Dairy products, See **DAIRIES AND DAIRY PRODUCTS**
Damages for embargo or detainer of an article, 50-31-509
Definitions, 50-31-103
Destruction
    adulterated or misbranded article, 50-31-509, 50-31-510
    restraint of trade, 30-14-217, 30-14-224
    unsafe, when, 50-31-510
Detainer of adulterated or misbranded articles, 50-31-509
    removal or disposal of article unlawful, 50-31-501, 50-31-509
Disposal agreements when adulterated or misbranded, 50-31-509
Donated food, liability when unfit for human consumption, 27-1-716
Drug, exclusion as, 50-32-101
Eggs, See **POULTRY AND EGGS**
Embargo of adulterated or misbranded articles, 50-31-501, 50-31-509
Emergency regulation, 10-3-505
Factories, inspection, 50-31-106
False advertising, See **Advertising**
Federal laws
    adoption by reference, 50-31-104, 50-31-201
    applicability, 50-31-103, 50-31-108, 50-31-201 — 50-31-203, 50-31-501
    defined, 50-31-103
Flavorings, labeling requirements, 50-31-203
Flour and bread
    definitions, 50-34-101
    enforcement of provisions, 50-34-109, 50-34-110
    federal standards, applicability, 50-34-108
    health and environmental sciences, department of — authority, See **Health and Environmental Sciences, Department of**
    inspections of premises or vehicles for transportation, 50-34-104
    interstate shipment standards, applicability, 50-34-108
    labeling requirements, 30-12-302
        exceptions, 50-34-109
    packaging, 30-12-402, 30-12-405
    penalties, 50-34-110
    rulemaking authority, 50-34-102, 50-34-103, 50-34-106, 50-34-108
    sizes, 30-12-302, 30-12-402, 30-12-405
    violations, 50-34-110
    vitamin and mineral content requirements
        bread, 50-34-107

FOOD AND FOOD PRODUCTS (Continued)

Flour and bread (Continued)
  vitamin and mineral content requirements (Continued)
    exceptions, 50-34-106, 50-34-109
    federal standards, uniformity with, 50-34-108
    flour, 50-34-105
      exceptions, 50-34-106
    shortage of ingredients, effect, 50-34-109
  weights, 30-12-302, 30-12-402, 30-12-405
Food, Drug, and Cosmetic Act, Title 50, chapter 31, See this main category generally, See also **COSMETICS; DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Food establishments, See **HEALTH; RESTAURANTS AND SIMILAR ESTABLISHMENTS**
Frozen food lockers
  declaration requirements, 50-50-401
  game laws, violation — liability, 50-50-402
  liability, 50-50-402, 50-50-403
  lien of lockerman, 71-3-1505
  loss of food, 50-50-403
  violations, 50-50-108
Fruit, See **HORTICULTURE**
Grains, See generally **AGRICULTURAL SEEDS; GRAIN**
Guaranty against adulteration or misbranding, 50-31-501, 50-31-507
Hamburger, 50-31-208, See **MEAT AND MEAT PRODUCTS**
Health and Environmental Sciences, Board of — trade secrets, disclosure to, 50-31-501
Health and Environmental Sciences, Department of
  additives, rulemaking authority, 50-31-108
  condemnation of perishable articles, 50-31-510
  destruction of unsafe articles, 50-31-510
  detainer or embargo by, 50-31-509
  federal laws, adoption by reference, 50-31-104, 50-31-201
  flour and bread, quality control
    inspections by, 50-34-104
    rulemaking authority, 50-34-102, 50-34-103, 50-34-106, 50-34-108
    shortages, emergency orders, 50-34-109
    vitamin and mineral content, certification of exception, 50-34-106
  health information, publication, 50-31-105
  injunction by, 50-31-508
  inspections by, 50-31-106, 50-31-206, 50-31-207, 50-34-104
  investigations
    permits for manufacturing, processing, and packing, 50-31-205
    publication of information, 50-31-105
  labels, rulemaking authority, 50-31-201, 50-31-203
  permits for manufacturing, processing, and packing — duties, 50-31-205 — 50-31-207
  publication of information by, 50-31-105
  rulemaking authority, 50-31-104, 50-31-108, 50-31-201
    flour and bread, 50-34-102, 50-34-103, 50-34-106, 50-34-108
  samples, examination, 50-31-106
  standards for food, adoption, 50-31-201
  trade secrets, disclosure to, 50-31-501
  unlawful practices
    detainer or embargo, 50-31-509
    due process, 50-31-504
    injunction, 50-31-508
    warning, 50-31-503
  warning notice upon violations, 50-31-503
Health information, publication, 50-31-105
Honey, labeling, 50-31-204, 50-31-502, 50-31-506, 50-31-508, See also **APIARIES**, generally
Horticulture and products thereof, See **HORTICULTURE**, generally
Injunction of unlawful practices, 50-31-508
Inspections
  agriculture, department of — by, 81-8-701

FOOD AND FOOD PRODUCTS (Continued)

Inspections (Continued)
- authorization, 50-31-106
- flour and bread, premises and vehicles, 50-34-104
- food establishments, See **HEALTH, Food establishments**
- livestock, department of — by, 81-8-701, 81-8-702
- permits for manufacturing, processing, and packing — for, 50-31-206, 50-31-207
- refusal to permit, 50-31-501

Investigations
- permits for manufacturing, processing, and packing — prerequisite for, 50-31-205
- publication of results, 50-31-105

Judgments, publication, 50-31-105

Jurisdiction of courts, 50-31-509

Labeling, See also **Misbranded articles**
- alteration, 50-31-501
- beef patty mix, 50-31-208
- bread, 50-12-302
- compliance with requirements, 50-31-111
- contents, 50-31-203
- correction, 50-31-509
- defined, 50-31-103
- flour, 50-12-302
- forgery or counterfeiting, 50-31-501
- hamburger, 50-31-208
- honey, 50-31-204, 50-31-502, 50-31-506, 50-31-508
- misleading, 50-31-107
- Montana quality, See **Montana quality label**
- noncompliance, 50-31-501
- requirements, 50-31-111, 50-31-201
- rulemaking authority, 50-31-201

Laetrile as dietary supplement, 50-41-106

Licensing of food establishments, See **HEALTH, Food establishments**

Livestock, Department of
- inspections by, 81-8-701, 81-8-702
- Montana quality label
  - designing, 81-8-702
  - production, 81-8-704
  - rules for, 81-8-703
  - wrongful use, prosecution for, 81-8-705

Lunch programs, See **SCHOOLS, Food services**, generally

Manufacturing permits, See **Permits for manufacturing, processing, and packing**

Marketing associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**

Meat and meat products, See **MEAT AND MEAT PRODUCTS**

Milk products, See **DAIRIES AND DAIRY PRODUCTS**

Misbranded articles, 50-31-203, See also **Labeling**
- defined, 50-31-203
- detainer, 50-31-509
- guaranty or undertaking against, 50-31-501, 50-31-507
- unlawful, 50-31-501

Montana quality label
- definitions, 81-8-701
- description, 81-8-702
- information, dissemination, 81-8-704
- moneys from, 81-8-704
- procurement, 81-8-704
- use, limitation, 81-8-703, 81-8-704
- wrongful use, penalties, 81-8-705

Nuisance, perishable food as, 50-31-510

Offenses, See **Unlawful practices**

Orchards, See **HORTICULTURE**

Packing permits, See **Permits for manufacturing, processing, and packing**

Penalties, See **Unlawful practices**

FOOD AND FOOD PRODUCTS (Continued)

Permits for manufacturing, processing, and packing
  inspections, 50-31-206, 50-31-207
  investigation prerequisite, 50-31-205
  reinstatement, 50-31-207
  required when, 50-31-205
  suspension, 50-31-206, 50-31-207
Pesticide chemicals, applicability of laws, 50-30-201, 50-31-103
Poultry, See **POULTRY AND EGGS**
Preservatives, labeling requirements, 50-31-203
Processing permits, See **Permits for manufacturing, processing, and packing**
Prohibited acts, See **Unlawful practices**
Publication of information by Department of Health and Environmental Sciences, 50-31-105
Quality label, See **Montana quality label**
Restaurants, See **RESTAURANTS AND SIMILAR ESTABLISHMENTS**
Rulemaking authority, 50-31-104
  additives, 50-31-108
  flour and bread, 50-34-102, 50-34-103, 50-34-106, 50-34-108
  labeling exemptions, 50-31-203
  permits to manufacturers, processors, and packers, 50-31-205
  standards, 50-31-201
School services, See **SCHOOLS, Food services**
Short title, 50-31-101
Spices, labeling requirements, 50-31-203
Standards generally, 50-31-201
Taxation of businesses, See **TAXATION**
Trade secrets, disclosure to board or department of health and environmental sciences, 50-31-501
Undertaking against adulterated or misbranded articles, 50-31-501, 50-31-507
Unlawful practices
  adulteration of articles, 50-31-501, 50-31-509
  destruction of food when, 30-14-217, 30-14-224
  detainer or embargo, 50-31-509
    removal of article, 50-31-501
  disposal agreements, 50-31-509
  enumerated, 50-31-501
  false advertising, 50-31-501, 50-31-507
  flour and bread, violations generally, 50-34-110
  frozen food locker violations, 50-50-108
  guaranty, false, 50-31-501, 50-31-507
  hearing, 50-31-504
  injunction to restrain, 50-31-508
  inspections, refusal, 50-31-501
  label — false, alteration, or destruction, 50-31-501, 50-31-509
  minor violations, prosecution not required, 50-31-503
  misbranding of articles, 50-31-501, 50-31-509
  notice, 50-31-503, 50-31-504
  penalties, 50-31-506, 50-31-507
  prosecution, 50-31-503, 50-31-505
  publication of judgments, decrees, and orders, 50-31-105
  trademark, falsification, 50-31-501
  trade secrets, disclosure, 50-31-501
  undertaking, false, 50-31-501, 50-31-507
  warning, 50-31-503
Vegetables, See **HORTICULTURE**
Violations, See **Unlawful practices**
Warehouses, inspection, 50-31-106
Warning notice upon violations, 50-31-503
Warranty of merchantability, 30-2-314

FOOD, DRUG, AND COSMETIC ACT, Title 50, chapter 31

  See specific commodity

FOOT DOCTORS
See **PODIATRY AND PODIATRISTS**

FOOTPATH AND BICYCLE TRAIL ACT OF 1975, Title 60, chapter 3, part 3
See **BICYCLES, Footpaths and bicycle trails**

FOOTPATHS
See **BICYCLES, Footpaths and bicycle trails**

FORAGE-PRODUCING LAND
See **GRAZING DISTRICTS**, generally

FORCE, JUSTIFIABLE USE OF
See **CRIMES**

FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER
See also **REAL PROPERTY, Actions; Recovery of possession**
Agricultural land, unlawful detainer, 70-27-108
Answer
  new material in, 70-27-116
  verification, 70-27-116
  when, 70-27-115
Appeals, 70-27-211, 70-27-212
Appearance of defendant, 70-27-115, 70-27-117
Applicability of laws
  appeals, 70-27-211
  landlord and tenant relationships, inapplicable, 70-27-101
  new trials, 70-27-211
  parties, 70-27-112
  procedure, 70-27-109, 70-27-112, 70-27-114, 70-27-211
  service of process, 70-27-114
  tenancies at will, 70-27-104
Bar to proceedings, quiet possession, 70-27-203
Collusion, holdover of property by, 70-27-207
Complaint
  amendment, 70-27-204
  contents, 70-27-113
  service not required, 70-27-114
  verification, 70-27-116
Conditions
  judgment, effect, 70-27-205
  nonperformance as unlawful detainer, 70-27-108
Contempt when, 3-1-504
Continuance, 70-27-202, 70-27-204
Costs, 70-27-205
Covenants
  judgment, effect, 70-27-205
  nonperformance as unlawful detainer, 70-27-108
Damages
  assessment, 70-27-205
  punitive damages, 70-27-205, 70-27-206, 70-27-209
  treble rent, 70-27-207 — 70-27-209
Default judgment, 70-27-117
Definitions
  forcible detainer, 70-27-103

FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER (Continued

Definitions (Continued)
  forcible entry, 70-27-102
  occupant, 70-27-103
  unlawful detainer, 70-27-108
Dismissal, motion for, 70-27-115
Estates at will, termination, See **REAL PROPERTY**, **Estates at will**
Execution upon judgment, 70-27-205
Forcible detainer
  defined, 70-27-103
  landlord and tenant, applicability to, 70-27-101
  quiet possession, showing, 70-27-203
Forcible entry
  defined, 70-27-102
  landlord and tenant, applicability to, 70-27-101
  quiet possession, showing, 70-27-203
Forfeiture of lease, relief when hardship, 70-27-210
Gambling violations, recovery of premises, 23-5-143
Hardship, relief from forfeiture of lease, 70-27-210
Holdover, damages, 70-27-207 — 70-27-209
Joinder of defendants, 70-27-111
Judgment
  contents, 27-1-431, 70-27-205
  default, 70-27-117
  effect, 70-27-111
  execution, 27-1-431, 70-27-205
  extent, 70-27-205
  forfeiture of lease, petition for relief served with, 70-27-210
  parties who are bound, 70-27-111
Jurisdiction of courts
  district court, 3-6-103, 3-10-302, 70-27-101
  justice's court, 3-10-302, 70-27-101
  municipal court, 3-6-103
Jury trial, 70-27-201
Justices' courts, proceedings in
  continuance, 70-27-202
  evidence, 25-31-101, 25-31-102
  jurisdiction, 3-10-302, 70-27-101
  pleadings, 25-31-501
  trial, 70-27-202
  venue, 25-31-205
Laws applicable, See **Applicability of laws**
New trial, 70-27-212
Notice
  forfeiture of lease, petition for hardship relief, 70-27-210
  holdover after notice, 70-27-207, 70-27-208
  unlawful detainer, notices required, 70-27-108, 70-27-110, 70-27-111
Parties
  applicability of laws, 70-27-112
  defendants, 70-27-111
  joinder, 70-27-111
Possession, summary proceedings for, 70-16-109
Quiet possession, 70-27-203
Reentry
  action for, as, 70-16-401
  contempt, as, 3-1-504
Rent
  holdover after notice, 70-27-207 — 70-27-209
  nonpayment and continued possession as unlawful detainer, 70-27-108
    complaint, statement in, 70-27-113
    judgment, 70-27-205
Restitution, judgment for, 70-27-205
Restoration of tenant in hardship cases, 70-27-210

FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER (Continued)

Rules of procedure, 70-27-109, See **Applicability of laws**
Service of process
    complaint, service not required, 70-27-114
    summons, 70-27-114
    unlawful detainer, notices, 70-27-110
State lands, venue in actions regarding, 77-1-111
Statutes applicable, See **Applicability of laws**
Summary proceeding for possession, 70-16-109
Summons, 70-27-113, 70-27-114
Tenancy at will, See **REAL PROPERTY**, **Estates at will**
Time
    summons, return, 70-27-113
    trial, 70-27-202
Trial
    complaint, amendment, 70-27-204
    continuance, 70-27-202, 70-27-204
    defenses, 70-27-203
    jury, 70-27-201
    showings required, 70-27-203
    time, 70-27-202
    verdict, 70-27-205
Unlawful detainer
    complaint to state amount of rent, 70-27-113
    defined, 70-27-108
    gambling violations, recovery of premises, 23-5-143
    judgment, 70-27-205
    notice, 70-27-108, 70-27-110
    service of notice, 70-27-110
Verdict, 70-27-205
Will, tenancy at, See **REAL PROPERTY**, **Estates at will**

FORECLOSURE

Condominiums, See **CONDOMINIUMS**
Liens, See **LIENS**, specific lien
Mortgages, See **MORTGAGES**
Security interest, See **SECURED TRANSACTIONS**, **Enforcement sales**
State lands acquired by, 77-1-111, 77-1-604
Trust indentures, See **TRUST INDENTURES**
Unknown parties defendant, 25-3-504

FOREIGN ADMINISTRATOR

    See **ESTATES AND PROBATE PROCEEDINGS**, **Personal representative**

FOREIGN CORPORATIONS

    See also **CORPORATIONS**, generally

Actions
    business trusts, 35-5-201
    certificate of authority required, 35-1-1004
    nonprofit corporations, 35-2-802, 35-2-803
    security for costs, 25-10-601
    service of process, See **Service of process**
    shareholders, by, 35-1-514
    transaction of business, exclusion, 35-1-1002
Admission, 35-1-1001, 35-1-1010, 35-2-801, 35-2-809
Agent, registered
    annual report, designation, 35-1-103, 35-1-1101
    certificate of authority, statement in, 35-1-1008, 35-2-807
    changes, 35-1-1013, 35-1-1019, 35-2-812

FOREIGN CORPORATIONS (Continued)

- **Agent, registered** (Continued)
  - failure to appoint, 35-1-1019, 35-2-818
  - geophysical exploration firm, designation, 82-1-102
  - nonprofit corporations, 35-2-807, 35-2-811, 35-2-812, 35-2-816, 35-2-818
  - preexisting corporations, 35-1-103
  - required, 35-1-1012, 35-1-1019, 35-2-811
  - resignation, 35-1-1013, 35-2-812
  - revocation of authority, 35-1-1017, 35-2-816
  - secretary of state as, 35-1-807, 35-2-816
  - service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - tax list, inclusion, 15-31-603
- **Annual reports**, See **Reports**
- **Applicability of laws**
  - business trusts, 35-5-103
  - exclusions, 35-1-1002, 35-2-802
  - foreign laws, 35-1-1001, 35-5-102
  - generally, 35-1-1005
  - merger of domestic and foreign corporation, 35-1-807
  - nonprofit corporations, 35-2-103, 35-2-802, 35-2-804
  - preexisting corporations, 35-1-103, 35-1-1003
  - share exchange with domestic corporation, 35-1-807
  - utilities, rural cooperatives, 35-18-107
- **Articles of incorporation**, filing, 35-1-1009, 35-1-1015, 35-1-1019
  - nonprofit corporations, 35-2-805, 35-2-808, 35-2-814, 35-2-818, 35-2-1001, 35-2-1103
- **Articles of merger**, 35-1-1016, 35-2-815, 35-2-818, 35-2-1001, 35-2-1103
- **Banks and trust companies**, 32-1-103, 32-1-402, 32-6-204
- **Building and loan associations**, See **BUILDING AND LOAN ASSOCIATIONS**, **Foreign associations**
- **Business trusts**, See **CORPORATIONS**, **Business trusts**, foreign
- **Certificate of authority**
  - amendments, 35-1-1011, 35-2-810, 35-2-1001
  - application, 35-1-1008, 35-1-1009, 35-2-807
  - contents, 35-1-1008, 35-2-807
  - effect, 35-1-1004, 35-1-1005, 35-1-1010, 35-2-809
  - entitlement, 35-1-1001, 35-2-801
  - failure to obtain, 35-1-1004
  - fee, 35-1-1205, 35-2-1001
  - filing, 35-1-1009, 35-1-1016, 35-2-808
  - issuance, 35-1-1009, 35-2-808
  - merger or consolidation, effect, 35-1-1016, 35-2-815
  - name change, effect, 35-1-1007, 35-1-1011
  - nonprofit corporations, 35-2-801, 35-2-803, 35-2-807 — 35-2-810, 35-2-815, 35-2-818 35-2-1001
  - required, 35-1-1001, 35-1-1004, 35-2-801, 35-2-803
  - revocation, 35-1-1010, 35-1-1019, 35-1-1020, 35-1-1304, 35-2-809, 35-2-818, 35-2-1103
  - suspension, 35-1-1007, 35-1-1010, 35-2-809
  - withdrawal, See **Withdrawal**
- **Certificate of revocation**, 35-1-1020
  - nonprofit corporations, 35-2-819
- **Certificate of withdrawal**, 35-1-1017, 35-1-1018
  - nonprofit corporations, 35-2-817, 35-2-1001
- **Consolidation**, See **Merger or consolidation**
- **Consumer protection**, remedy, 30-14-134
- **Damages**, transaction of business without certificate of authority, 35-1-1004
- **Definitions**, 35-1-102, 35-1-414, 35-1-1002, 35-2-102, 35-2-802
- **Directors, board of**
  - agent or offices, authorization of change, 35-1-1013, 35-2-812
  - annual report, named in, 35-1-1101
  - certificate of authority, statement in, 35-1-1008, 35-2-807
  - falsification by, 35-1-412, 35-2-413
  - indemnification, 35-1-414
  - insurance, 35-1-414

FOREIGN CORPORATIONS (Continued)

Directors, board of (Continued)
  nonprofit corporation, 35-2-807, 35-2-812
  service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D
Electronic funds transfers with, 32-6-204
Exclusions from provisions, 35-1-1002, 35-2-802
Fees
  filing, 35-1-1202, 35-2-1001
  license, 35-1-1205
  nonprofit corporations, 35-2-803, 35-2-1001, 35-2-1002
Filing
  annual report, See **Reports**
  articles of incorporation, 35-1-1009, 35-1-1015, 35-2-808, 35-2-814
  articles of merger or consolidation, 35-1-1016
  certificate of authority, 35-1-1009, 35-2-808, 35-2-810
  certificate of revocation, 35-1-1020
  failure to file required documents, 35-1-1019, 35-2-818
  falsification, 35-1-412, 35-2-413
  fees, 35-1-1202
  nonprofit corporations, 35-2-413, 35-2-808, 35-2-810, 35-2-812, 35-2-814, 35-2-816 — 35-2-818
  withdrawal, application for, 35-1-1018, 35-2-816, 35-2-817
Foreign laws applicability, 35-1-1001, 35-5-102
Incorporation
  articles of incorporation, filing, 35-1-1009, 35-1-1015, 35-1-1019
  business trust, 35-5-101, 35-5-102, 35-5-201, 35-5-202
  incorporators, 35-1-201
Indemnification, 35-1-414
Insurance, 35-1-414
Investment companies, 32-1-103, 32-1-402, 32-6-204
Liabilities
  certificate of authority, failure to obtain, 35-1-1004, 35-2-803
  nonprofit corporations, 35-2-803
  taxes, 35-1-1017
License fees, 35-1-1205, 35-5-202, 35-5-205
Limited partnerships, as agent for, 35-12-507
Massachusetts trusts, See **CORPORATIONS**, **Business trusts**, foreign
Merger or consolidation
  articles of, filing, 35-1-1016, 35-1-1019, 35-2-815, 35-2-818
  domestic corporation, with, 35-1-807
  nonprofit corporations, 35-2-606, 35-2-815, 35-2-818, 35-2-1001
  professional service corporations, prohibited, 35-4-212
Misrepresentation, 35-1-1019
Name
  adjudication, 35-1-1006
  agent or offices, citation in statement of change, 35-1-1013, 35-2-812
  annual report, statement in, 35-1-1101
  assumed business name, See **NAMES**
  certificate of authority, statement in, 35-1-1008
  change, 35-1-1007, 35-1-1011, 35-1-1016, 35-2-806, 35-2-810, 35-2-814, 35-2-815
  consent to use name, 35-1-1006
  exclusivity, 35-1-1006, 35-2-805, 35-2-806
  fictitious name, 35-1-1006
  implication, 35-1-1006, 35-2-805
  merger or consolidation, effect, 35-1-301
  nonprofit corporations, 35-2-805, 35-2-806, 35-2-810, 35-2-812, 35-2-814 — 35-2-816
  registration, 35-1-303
  requirements, 35-1-1006
  reservation, 35-1-302
  sale, 35-1-301
  tax list, inclusion, 15-31-603
  withdrawal, statement in application, 35-1-1017, 35-2-816
Nonprofit corporations
  actions, 35-2-802, 35-2-803

FOREIGN CORPORATIONS (Continued)

Nonprofit corporations (Continued)
- admission, 35-2-801, 35-2-809
- agent, registered, 35-2-807, 35-2-811, 35-2-812, 35-2-816, 35-2-818
- annual report, 35-2-803, 35-2-818, 35-2-901 — 35-2-903
- appeal from secretary of state, 35-2-1103
- applicability of laws, 35-2-103, 35-2-802, 35-2-804
- articles of incorporation, 35-2-805, 35-2-808, 35-2-814, 35-2-818, 35-2-1103
- certificate of authority, 35-2-801, 35-2-803, 35-2-807 — 35-2-810, 35-2-815, 35-2-818 35-2-1103
- defined, 35-2-102, 35-2-802
- directors, 35-2-413, 35-2-807, 35-2-812
- duties, 35-2-804
- exclusions, 35-2-802
- falsification, 35-2-413
- fees, 35-2-803
- filings, 35-2-413, 35-2-808, 35-2-810, 35-2-812, 35-2-814, 35-2-816 — 35-2-818
- fraud, 35-2-818
- liabilities, 35-2-803
- meetings, 35-2-802
- merger or consolidation, 35-2-606, 35-2-815, 35-2-818
- name, 35-2-805, 35-2-806, 35-2-810, 35-2-812, 35-2-814 — 35-2-816
- notices, 35-2-812, 35-2-818, 35-2-1103
- officers, 35-2-413, 35-2-807, 35-2-812
- offices, 35-2-807, 35-2-811, 35-2-812
- purposes, 35-2-805, 35-2-807, 35-2-810, 35-2-814, 35-2-815
- reports, 35-2-803
- revocation of authority, 35-2-818, 35-2-819, 35-2-1103
- rights and duties, 35-2-804
- service of process, 35-2-813, 35-2-816
- withdrawal, 35-2-816, 35-2-817

Notice
- agent, resignation, 35-1-1013, 35-2-812
- disapproval by secretary of state, 35-2-1103
- license fees, notice of additional amounts, 35-1-1205
- revocation of certificate of authority, 35-1-1019, 35-1-1020, 35-2-818

Offenses
- annual report, failure to file, 35-1-1103, 35-2-818
- falsification of documents, 35-1-412, 35-2-413
- license fees, failure to pay additional amounts, 35-1-1205

Officers
- agent or offices, execution of statement of change, 35-1-1013, 35-2-812
- annual report, statement in, 35-1-1101
- certificate of authority
  - execution, 35-1-1008
  - statement in, 35-1-1008, 35-2-807
- falsification by, 35-1-412, 35-2-413
- indemnification, 35-1-414
- insurance plans, 35-1-414
- nonprofit corporations, 35-2-413, 35-2-807, 35-2-812
- service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- withdrawal, execution of application, 35-1-1017

Offices
- annual report, designation, 35-1-103, 35-1-1101
- certificate of authority, statement in, 35-1-1008, 35-2-807
- change, 35-1-1013, 35-1-1019, 35-2-812
- nonprofit corporations, 35-2-807, 35-2-811, 35-2-812
- preexisting corporations, 35-1-103
- registered, required, 35-1-1012, 35-2-811
- required, 35-1-1012, 35-2-811
- service of process at, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- tax list, inclusion, 15-31-603

FOREIGN CORPORATIONS (Continued)

- **Preexisting corporations**
  - annual report, 35-1-103
  - applicability of laws, 35-1-103, 35-1-1003
- **Professional service corporations**, merger or consolidation prohibited, 35-4-212
- **Purposes**
  - annual report, statement in, 35-1-1101
  - certificate of authority, statement in, 35-1-1008, 35-2-807
  - change, 35-1-1011, 35-1-1015, 35-1-1016, 35-2-810, 35-2-814, 35-2-815
  - name, implication, 35-1-1006, 35-2-805
  - nonprofit corporation, 35-2-805, 35-2-807, 35-2-810, 35-2-814, 35-2-815
- **Receiver**
  - annual report, execution by, 35-1-1101
  - withdrawal, execution of application, 35-1-1017
- **Registered agent**, See **Agent, registered**
- **Reports**
  - annual
    - business transacted, statement of, 35-1-1101
    - failure to file, 35-1-1019, 35-2-803, 35-2-818
    - filing, 35-1-103, 35-1-1019
    - generally, Title 35, chapter 1, part 11, See **CORPORATIONS**, **Reports**, annual
    - nonprofit corporations generally, Title 35, chapter 2, part 9, See **NONPROFIT CORPORATIONS**, **Reports**, annual reports
    - preexisting corporations, 35-1-103
    - property owned, statement of, 35-1-1101
  - filing fees, 35-2-803, 35-2-1001
  - nonprofit corporations, 35-2-803, 35-2-818, 35-2-901 — 35-2-903, 35-2-1001
- **Revocation of certificate of authority**, 35-1-1010, 35-1-1019, 35-1-1020, 35-1-1304
  - nonprofit corporations, 35-2-818, 35-2-819, 35-2-1103
- **Rural cooperative utilities**, See **Utilities**
- **Savings and loan associations**, See **BUILDING AND LOAN ASSOCIATIONS**, **Foreign associations**
- **Savings banks**, 32-1-103, 32-1-402, 32-6-204
- **Securities registration**, exemption, 30-10-104
- **Service of process**, 35-1-807, 35-1-1014, 35-1-1017; Title 25, chapter 20, M.R.Civ.P., Rule 4D
  - business trust, 35-5-201
  - nonprofit corporations, 35-2-813, 35-2-816
- **Shareholders**
  - actions by, 35-1-514
  - dissenting, 35-1-807
  - service of process on, Title 25, chapter 20, M.R.Civ.P., Rule 4D
- **Shares**
  - annual report, statement in, 35-1-1101
  - certificate of authority, statement in, 35-1-1008
  - exchange with domestic corporation, 35-1-807
  - withdrawal, certificate of — statement in, 35-1-1017
- **Taxes**, See **TAXATION**, **Corporations**
- **Transaction of business**, exclusions, 35-1-1002
- **Trust companies**, 32-1-103, 32-1-402, 32-6-204
- **Unfair trade practices**, 30-14-134, 30-14-202, See **TRADE REGULATION AND COMPETITION**, **Unfair practices**
- **Utilities**, rural cooperatives, 35-18-104, 35-18-107, 35-18-201
- **Withdrawal**
  - application, 35-1-1017, 35-2-816
  - certificate of, 35-1-1017, 35-1-1018, 35-2-817, 35-2-1001
  - effect, 35-1-1018, 35-2-817
  - filing, 35-1-1018, 35-2-816, 35-2-817, 35-2-1001
  - nonprofit corporation, 35-2-816, 35-2-817, 35-2-1001
  - tax clearance certificate, 35-1-928, 35-1-1017

FOREIGN LAND SALES PRACTICES ACT, Title 76, chapter 4, part 12

See **SUBDIVISIONS**, **Out-of-state subdivisions, in-state sales**

FOREIGN LAWS

Accountants certified or licensed under, See **ACCOUNTANTS, Foreign accountants**
Adoption, foreign decree, 40-8-128
Affidavits under, 26-1-1004 — 26-1-1006
Agricultural marketing associations, foreign-domestic mergers, 35-17-501
Airports, jurisdiction and reciprocity, 67-11-401
Auctioneers, reciprocal residency waiver, 30-11-509
Boiler operating engineers, reciprocity, 50-74-305
Books containing laws, presumption of correctness, 26-1-603
Building and loan associations, reciprocity with laws of other states respecting, 32-2-105
Choice of law, See **CONFLICT OF LAWS**
Conflict of laws, See **CONFLICT OF LAWS**
Contracts, mistake of, 28-2-411
Corporations
    foreign-domestic mergers or share exchanges, 35-1-807
    foreign, operating in Montana — applicability, 35-1-1001
    nonprofit corporations, mergers, 35-2-606
    tax laws, reciprocity, 15-31-508
Depositions taken under, 26-1-1004; Title 25, chapter 20, M.R.Civ.P., Rule 28(b)
Judgment, pleading of, Title 25, chapter 20, M.R.Civ.P., Rule 9(e)
Judicial determination, Title 25, chapter 20, M.R.Civ.P., Rule 44.1
Judicial notice, See **EVIDENCE**
Judicial record, effect, 26-3-203, 26-3-204
Lotteries, restrictive provisions applicable to foreign lotteries, 23-5-210
Marriage, validity, 40-1-104
Official documents or records, authentication, Title 25, chapter 20, M.R.Civ.P., Rules 44(a) 44(b)
Pleading of, Title 25, chapter 20, M.R.Civ.P., Rules 9(d), 44.1
Reciprocity with laws of other states
    acupuncturists, licensing, 37-13-305
    airports, 67-11-401
    architects, licensing, 37-65-305
    auctioneers, residency, 30-11-509
    barbers, licensing, 37-30-309
    boiler operator engineers, licensing, 50-74-305
    building and loan associations, 32-2-105
    children
        custody, Title 40, chapter 7, See **CHILD CUSTODY, Uniform Child Custody Jurisdiction Act**
        delinquent, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
        placement, Title 41, chapter 4, See **MINORS, Interstate Compact on the Placement of Children**
        support enforcement, Title 40, chapter 5, part 1, See **CHILD SUPPORT, Reciprocal enforcement**
    chiropractors, licensing, 37-11-305
    close pursuit, authority of arresting officer, 46-6-411
    cosmetologists, licensing, 37-31-306
    dental hygienists, licensing, 37-4-404
    dentists, licensing, 37-4-306
    electricians, licensing, 37-68-309
    electrologists, licensing, 37-32-303
    engineers, professional — licensing, 37-67-312
    fishing, privileges, 87-2-1001 — 87-2-1004
    hearing aid dispensers, licensing, 37-16-406
    income tax, 15-30-306
    insurance adjusters, 33-17-301
    insurance agents, nonresidents — when, 33-17-401, 33-17-402
    juveniles, delinquent, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
    landscape architects, licensing, 37-66-306
    morticians, licensing, 37-19-305
    nurses, licensing, 37-8-407, 37-8-417
    nursing home administrators, licensing, 37-9-303

OREIGN LAWS (Continued)

- **eciprocity with laws of other states** (Continued)
  - optometrists, licensing, 37-10-303
  - osteopaths, licensing, 37-5-303
  - outfitters' licenses, residence requirements waived when, 87-4-126
  - pharmacists, licensing, 37-7-302
  - physical therapists, licensing, 37-11-309, 37-11-310
  - physicians, temporary certificate to practice, 37-3-307
  - psychologists, licensing, 37-17-304
  - radiologic technologists, licensing, 37-14-304
  - real estate brokers, licensing, 37-51-306
  - sanitarians, licensing, 37-40-303
  - savings and loan associations, 32-2-105
  - speech pathologists and audiologists, licensing, 37-15-305
  - taxes
    - corporate taxes, 15-31-508
    - income tax, 15-30-306
  - veterinarians
    - consultations by, 37-18-104
    - licensing, 37-18-303, 37-18-304
  - water treatment plant operators, certification, 37-42-305
- **ecords**, official — authentication, Title 25, chapter 20, M.R.Civ.P., Rules 44(a), 44(b)
- **avings and loan associations**, reciprocity with laws of other states respecting, 32-2-105
- **ubpoena of witness under**, 26-2-102
- **nclaimed property subject to**, 70-9-103

OREIGN TRADE ZONES

See **TRADE REGULATION AND COMPETITION**

ORENSIC SCIENCE

See also generally **COUNTY CORONER**; **MEDICAL EXAMINER, STATE**

- **utopsy**
  - authorization, 50-21-103
  - liability for, 44-3-401, 46-4-104
  - records, 44-3-214, 46-4-103
  - required, 46-4-103
  - specimens, retention, 46-4-103
  - when, 46-4-103, 50-21-103
- **ause of death**, report, 44-3-213, 50-21-104
- **itation of Forensic Science System Act**, 44-3-101
- **oncealment of death**, 44-3-404
- **oroner**, See **COUNTY CORONER**; **MEDICAL EXAMINER, STATE**
- **orpses**
  - autopsy, See **Autopsy**
  - burial, 44-3-403
  - cause of death, report, 44-3-213
  - concealment of death, 44-3-404
  - disturbing, 44-3-404
  - inquest, See **CRIMINAL PROCEDURE**
  - investigation of death, 46-4-102
  - property with or upon person of deceased, disposition, 44-3-402
- **riminal violations**, 44-3-404
- **efinitions**, 44-3-103, 44-3-201
- **isturbing corpse**, 44-3-404
- **ivision of**
  - autopsy record forms, 46-4-103
  - blood alcohol tests, rules for, 61-8-405
  - creation, 2-15-2004
  - defined, 44-3-103
  - federal funding, 44-3-105

FORENSIC SCIENCE (Continued)

Division of (Continued)
- functions generally, 44-3-104
- funding, 44-3-105, 61-3-108
- grants, acceptance, 44-3-105
- medical examiner, state — as head, 2-15-2004
- personnel, 44-3-106
- rulemaking authority, 44-3-303

Forensic Science System Act
- citation, 44-3-101
- purpose, 44-3-102

Inquests, See **CRIMINAL PROCEDURE**

Laboratory of criminalistics
- director
  - appointment, 44-3-212
  - duties generally, 44-3-303
  - out-of-state specimens, acceptance, 44-3-301
  - removal, 44-3-304
  - termination, 44-3-304
- fees, 44-3-302
- functions, 44-3-301
- funding, 44-3-302
- personnel, appointment, 44-3-303
- purpose, 44-3-102, 44-3-301
- records, 44-3-214
- supervision, 44-3-104

Medical examiner, See **COUNTY CORONER; MEDICAL EXAMINER, STATE**

Pathology, See **MEDICAL EXAMINER, STATE**, generally

Purpose of Forensic Science System Act, 44-3-102

State medical examiner, See **MEDICAL EXAMINER, STATE**

FORENSIC SCIENCE, DIVISION OF

See **FORENSIC SCIENCE**

FORENSIC SCIENCE SYSTEM ACT, Title 44, chapter 3

See **FORENSIC SCIENCE**, generally

FOREST AND CONSERVATION EXPERIMENT STATION

See **UNIVERSITY OF MONTANA**

FORESTRY SCHOOL

See **UNIVERSITY OF MONTANA**

FORESTS AND FORESTRY

Agricultural marketing associations, See **AGRICULTURAL MARKETING ASSOCIATIONS**

Appraisal of timber, 77-5-204, See also **TAXATION, Timber**

Appraisement of timberland, 77-5-103

Boundaries, ownership of trees on, 70-16-204

Brush disposal requirements, 77-5-204

Burning permits
- noncompliance unlawful, 76-13-122
- required when, 76-13-121
- rights-of-way, for hazard reduction along, 76-13-407

Campfires, 76-13-121
- extinguish, failure to, 76-13-123

FORESTS AND FORESTRY (Continued)

- **Cigarettes**, throwing within — unlawful, 76-13-124
- **Classification**
  - forest lands, See **Forest lands**
  - timberland, as, See **STATE LANDS, Classification**, generally
- **Commercial timber harvest permits**, See **Permits for timber removal**
- **Coniferous trees**, unlawful transportation, 76-13-601
- **Conservation**
  - classification of land for, 76-13-107
  - defined, 76-13-102
  - funds for, 76-13-111
  - generally, 76-13-101, 76-13-104
- **Conservation districts**, See **CONSERVATION DISTRICTS**, generally
- **Conservation experiment station**, See **UNIVERSITY OF MONTANA, Forest and conservation experiment station**
- **Cooperative marketing**, See **AGRICULTURAL MARKETING ASSOCIATIONS**
- **"Cord" defined**, 30-12-101
- **Counties**
  - construction of provisions, 7-8-2611
  - permits for removal of timber, See **Permits for timber removal**
  - protection, cooperation for, 76-13-106
  - sale of timber, See **Sale of timber**
  - tax-deed lands, exchange for timberland, 7-8-2603
- **County forests**
  - construction of provisions, 7-8-2611
  - creation, 7-8-2602, 7-8-2603
  - perpetuation, rules regarding, 7-8-2605
- **Cruisers**, supervision, 77-5-206
- **Deadfall**, permits to remove, 7-8-2608, 77-5-211
- **Development**
  - forestry, 90-1-102, See **ECONOMIC DEVELOPMENT**, generally
  - renewable resource, as, 90-2-101, 90-2-113, See **RENEWABLE RESOURCE DEVELOPMENT**, generally
  - timberland, 77-1-605
- **Dinkey engines**, 50-74-104, See **BOILERS AND STEAM ENGINES, Traction engines**
- **Disease and insect pest control**
  - definitions, 76-13-302
  - policy concerning, 76-13-301
  - zone of infestation
    - creation, 76-13-303
    - suppression and eradication of infestation within, 76-13-304
    - termination, 76-13-305
- **Easements for taking wood**, 70-17-101, 70-17-102, See **REAL PROPERTY, Easements**
- **Economic development**, 90-1-102, See **ECONOMIC DEVELOPMENT**, generally
- **Eminent domain**
  - farm operation, defined as, 70-31-102, See **EMINENT DOMAIN, Federally assisted agency acquisitions**
  - logging roads, for, 70-30-102, 70-30-109
- **Equipment**
  - dinkey engines, 50-74-104, See **BOILERS AND STEAM ENGINES, Traction engines**
  - logging trucks, 61-9-414, 61-10-204
  - retail installment sales, finance charge limitations, 31-1-241
- **Examination of timberland**, 77-5-103
- **Exchange of timbered lands**, See **STATE LANDS, Exchange**
- **Experiment station**, See **UNIVERSITY OF MONTANA, Forest and conservation experiment station**
- **Federal forest reserve moneys**, 17-3-211 — 17-3-214
- **Federal forest supervisors and rangers as firewardens**, See **Firewardens**, generally
- **Fire control training programs**, 77-5-103
- **Fire danger areas closed to hunting and fishing when**, 87-3-106
- **Firefighters, state**, 77-5-103
- **Fire hazards**
  - burning permits, See **Burning permits**

FORESTS AND FORESTRY (Continued)

Fire hazards (Continued)
  compliance with provisions
    moneys withheld to insure, 76-13-407, 76-13-409, 76-13-413
    noncompliance, 76-13-410
    purchaser's duty, 76-13-409, 76-13-413
  contracts
    certification of clearance, 76-13-411
    forest protective agencies, 76-13-405
    owners of land, 76-13-404
  definitions, 76-13-401
  forest protective agencies
    contracts with, 76-13-405
    liability, 76-13-406
  injunction when, 76-13-410, 76-13-413
  liability, limitation on, 76-13-406
  management
    basis for, 76-13-402
    rules for supervision, 76-13-403
  reduction agreement, 76-13-408, 76-13-410
    bond requirement, 76-13-408
    moneys withheld, procedures concerning, 76-13-409, 76-13-413
  slash disposal requirements, 7-8-2605, 77-5-202, 77-5-204
  slash hazards, funds for, 76-13-111
  violations, 76-13-412
Fire protection
  assessments, 76-13-201, 76-13-207
    disposition, 76-13-209
    lien, amount due — as, 76-13-211
    nature of, 76-13-208
    payment under protest, 76-13-210
  burning permits, See **Burning permits**
  classification of land for, 76-13-107
  costs, determination and collection, 76-13-207
  defined, 76-13-102
  districts, See **Fire protection districts**
  establishment and maintenance, 76-13-104
  firewardens, See **Firewardens**
  funds for, 76-13-111
  generally, 76-11-102, 77-5-103
  means, how provided, 76-13-202
  mining operations, preventive measures, 82-4-434
  owner's responsibilities, See **Owners of forest lands**
  rural, See **FIRES AND FIRE PROTECTION, Rural protection**
Fire protection districts
  assessments, See **Fire protection**
  boundaries, determination, 76-13-205
  creation, 76-13-204
  defined, 76-13-102
  officers as firewardens, See **Firewardens**, generally
Fires
  citizens' duty to fight, 77-5-105
  "forest fire" defined, 76-13-102
  reporting, 77-5-104
  sawmills, portable — liability, 76-13-507
Fire season
  burning during, 50-63-102, 50-63-103
  burning permits, See **Burning permits**
  defined, 76-13-102
  extension, 76-13-203
  sawmilling wastes, disposal or treatment prior to, 76-13-126
Firewardens
  appointment, 77-5-104, 87-1-504

ORESTS AND FORESTRY (Continued)

irewardens (Continued)
  compensation when, 77-5-104
  duties generally, 77-5-104
  fire hazards
    liability, 76-13-406
    management, 76-13-402
  fish and game wardens as, when, 77-5-104, 87-1-504
  misconduct, 77-5-106
  powers, 77-5-105
  supervision, 77-5-103
ireworks displays within, prohibited, 50-37-103
ishing, areas closed to — when, 87-3-106
loodways, within, See **FLOODPLAINS AND FLOODWAYS, Uses within**, generally
orest and conservation experiment station, See **UNIVERSITY OF MONTANA**
orest lands
  applicability of provisions, 76-13-103
  assessments for protection, 76-13-111
  classification, 76-13-107
  defined, 76-13-102, 76-13-302
  disease and insect control, See **Disease and insect pest control**
  fire protection, See **Fire protection; Fire protection districts**
  owners, See **Owners of forest lands**
  state, held by, 76-13-104
orestry school, See **UNIVERSITY OF MONTANA**
orest wardens, supervision, 77-5-206
razeable woodlands, See **RANGELAND RESOURCES**, generally
razing, See **STATE LANDS, Agricultural, grazing, and city lot leases**, generally
unting
  areas closed to, when, 87-3-106
  camps, written approval for, 87-4-124
nferior timber, permit to remove, 77-5-211
njury to timber, 70-16-107, 70-16-108
nsect pest control, See **Disease and insect pest control**
and Commissioners, Board of
  brush disposal fees, 77-5-204
  fire hazards, rules regarding, 76-13-403
  fire protection districts
    boundaries, determination, 76-13-205
    creation, 76-13-204
  fire protection rules and standards, 76-13-201
  hearings, 76-13-110, 76-13-204
  infestation, zone of — approval for creation, 76-13-303
  permits for removal of timber, 77-5-211 — 77-5-213
  rulemaking authority, limitations, 76-13-109
  sale of timber
    agreements, approval, 77-5-202
    bids, approval, 77-5-201
    estimates and appraisals, approval, 77-5-204
    rules, establishment, 77-5-201
    state lands, on, 77-5-204, 77-5-205
  supervision by, 77-5-103
  timber stand improvement fees, 77-5-204
iens
  fire protection assessments, amount due — as, 76-13-211
  labor, for
    cooks in logging camps, 71-3-601
    loggers' liens, See **LIENS**
    mechanics' liens, See **LIENS**
ighted materials, throwing unlawful, 76-13-124
ocation of timberland, 77-5-103
oggers' liens, See **LIENS**

FORESTS AND FORESTRY (Continued)

Logging
  camps or roads, prohibited when, 75-6-112
  trucks, 61-9-414, 61-10-204
Machinery, See **Equipment**
Management
  counties, by, 7-8-2601
  generally, 77-5-103
  state forests, 77-1-204, 77-5-103
  timber, of, 77-5-206
Marketing associations, See **AGRICULTURAL MARKETING ASSOCIATIONS**
Mechanics' liens, See **LIENS**
National forests
  aircraft used for hunting purposes unlawful when, 87-3-126
  hunting camps, written approval for, 87-4-124
  jurisdiction of state, 2-1-210
  land and mining claims in, marking, 81-4-218 — 81-4-220
  land for, consent for federal purchase, 2-1-210
  livestock running at large, See **LIVESTOCK**, **Running at large**, generally
  marking land and mining claims in, 81-4-218 — 81-4-220
  officers as ex officio fish and game wardens, 87-1-503
  trespassing stock, right of action against, 81-4-220
Natural areas preservation, See **NATURAL AREAS**, generally
Nonforest lands and improvements, protection, 76-13-105
Oil and gas operations, damage to property of surface owner, 82-10-501, See **OIL AND GAS**, **Surface owner**
Ownership of trees on boundaries, 70-16-204
Owners of forest lands
  assessments for fire protection, See **Fire protection**
  defined, 76-13-102, 76-13-302
  fire hazards, contracts regarding, See **Fire hazards**
  fire protection and suppression, 76-13-201
    compliance, what constitutes, 76-13-206
    cooperative agreements for, 76-11-102
  hearings, right to, 76-13-110
  infestation, agreements for suppression and eradication, 76-13-304
  responsibilities, 76-13-108, 76-13-201
  state considered as, when, 76-13-108
Permits for timber removal
  commercial, 7-8-2609, 77-5-212
  domestic use, 7-8-2608, 77-5-211
  farm and ranch repair and development, for, 77-5-213
  free, when, 7-8-2608, 77-5-211
  proceeds, disposition, 7-8-2610
Portable sawmills, See **Sawmills, portable — licenses**
Production of timber, classification of land for, See **STATE LANDS**, **Classification**, generally
Protection, See also **Fire protection**
  applicability of provisions, 76-13-103
  assessments, 76-13-108
  cooperation, state and county, 76-13-106
  counties, by, 7-8-2601, 76-13-106
  definitions, 76-13-102
  disease and insect control, See **Disease and insect pest control**
  fines for violations, 76-13-111, 76-13-114
  funds for, 76-13-111
  generally, 76-13-104
  nonforest lands and improvements, 76-13-105
  owners' responsibilities, See **Owners of forest lands**
  purpose of provisions, 76-13-101
  rules for, 76-13-109
  sawmills, portable — licensing, See **Sawmills, portable — licenses**

FORESTS AND FORESTRY (Continued)

Protection (Continued)
  signs, destruction unlawful, 76-13-113
  violations and penalties, 76-13-112, 76-13-113
Purchase of timber, restrictions, 77-1-113
Removal of timber, See **Permits for timber removal**
Renewable resource, as, 90-2-101, 90-2-113, See **RENEWABLE RESOURCE DEVELOPMENT**, generally
Research and development of forestry, 90-1-102, See **ECONOMIC DEVELOPMENT**, generally
Roads within, See **TRAFFIC REGULATIONS, Forest development road; Special service road**
Sale of timber
  administration procedures, 77-5-206
  advertisement, 7-8-2604, 77-5-201
  agreements
    breach of, 7-8-2607, 77-5-203
    execution, contents, and bond, 7-8-2605, 7-8-2606, 77-5-202
  awarding, 7-8-2604, 77-5-201, 77-5-202
  bid requirements, 7-8-2604, 77-5-201
  cooperative marketing, See **AGRICULTURAL MARKETING ASSOCIATIONS**
  counties, by
    agreements, 7-8-2605
      bond requirements, 7-8-2606
      breach, 7-8-2607
    procedure, 7-8-2604
    proceeds, distribution, 7-8-2610
  development projects, 90-1-102, See **ECONOMIC DEVELOPMENT**, generally
  restrictions, 77-1-113, 77-2-303
  rules regarding, 77-5-201
  security interest, See **SECURED TRANSACTIONS**
  state lands, on, 77-5-204, 77-5-205
Sawdust piles, restrictions, 76-13-126
Sawmilling waste, treatment or disposal, 76-13-126
Sawmills, portable — licenses
  application, 76-13-503
  definitions, 76-13-501
  fee, 76-13-503
  fines, 76-13-506
  issuance, 76-13-504
  liability for fire, effect on, 76-13-507
  required, 76-13-502
  revocation, 76-13-505
  term, 76-13-504
  violations, 76-13-505, 76-13-506
Scale measurements, 77-5-206
Scalers, supervision, 77-5-206
Scales, falsification, 77-1-112
Scaling, rules for, 7-8-2605, 77-5-202
School of, See **UNIVERSITY OF MONTANA, Forestry school**
Security interest, See **SECURED TRANSACTIONS**
Selection of timberland, 77-5-103
Shelterbelts, 76-13-104
Signs
  destruction unlawful, 76-13-113
  location, 75-15-113
Slash and debris control and disposal, See **Fire hazards**
Slash hazards, funds for, See **Fire hazards**
Soil conservation districts, See **CONSERVATION DISTRICTS**, generally
Soil survey and mapping program, See **SOIL SURVEYS**, generally
Spark arrestors required, 76-13-125
State forest officers as ex officio fish and game wardens, 87-1-503

FORESTS AND FORESTRY (Continued)

State forests
  classification, 77-5-101
  designation, 77-5-102
  development, 76-13-104
  land donated for, 77-1-214
  management, 77-1-204, 77-5-103
  protection, 76-13-104
State Lands, Department of
  areas closed by, when, 87-3-106
  burning permits, form and substance, 76-13-122
  classification of forest lands, 76-13-107
  duties generally, 77-5-103
  earmarked revenue fund, fees deposited to, 77-5-204
  fire hazards
    contracts, 76-13-404, 76-13-405
      certification of clearance, 76-13-411
    injunction when, 76-13-410, 76-13-413
    liability, 76-13-406
    management, 76-13-402
    moneys withheld, procedures, 76-13-409, 76-13-413
    noncompliance with provisions, proceedings, 76-13-410
    reduction agreement and bond, 76-13-408
    rights-of-way, along — procedures, 76-13-407
    supervision and inspection, rules concerning, 76-13-403
  fire protection
    assessments
      approval, 76-13-201
      collection, action for, 76-13-211
    costs, determination and collection, 76-13-207
    means, how provided, 76-13-202
  fire season, extension, 76-13-203
  fires reported to, 77-5-104
  firewardens, appointment, 77-5-104
  infestation, zone of
    creation, 76-13-303
    suppression and eradication of infestation within, 76-13-304
    termination, 76-13-305
  management of timber, 77-5-206
  nonforest lands and improvements, protection, 76-13-105
  protection of forests
    classification of land for, 76-13-107
    cooperation by state and counties, 76-13-106
    expenditures for, 76-13-111
    functions generally, 76-13-104
    rules, enforcement, 76-13-109
  sale of timber
    agreements, breach of, 77-5-203
    awarding, 77-5-201
    bids, 77-5-201
    estimates and appraisal, 77-5-204
  sawdust pile accumulation permits, 76-13-126
  sawmills, portable — licenses
    application and fee, 76-13-503
    issuance, 76-13-504
    required, 76-13-502
    revocation, 76-13-505
Taxation of timber and timberlands, See **TAXATION**
Throwing lighted materials, unlawful, 76-13-124
Timber stand improvement fees, 77-5-204
Trees, coniferous — unlawful transportation, 76-13-601
Trespass for taking timber, 70-16-107
United States forest service officers as ex officio fish and game wardens, 87-1-503

FORESTS AND FORESTRY (Continued)

Violations
  burning permits, noncompliance, 76-13-122
  campfires, failure to extinguish, 76-13-123
  fines, disposition, 76-13-111, 76-13-114
  fire hazard provisions, 76-13-412
  fires, fighting — citizen's refusal to, 77-5-105
  firewardens
    misconduct, 77-5-106
    powers, 77-5-105
  lighted materials, throwing, 76-13-124
  prosecution, 76-13-114, 77-5-103
  protection provisions, generally, 76-13-112
  sawmills, portable — by, 76-13-506
  signs, destruction, 76-13-113
Waste, damages, 70-16-107, 70-16-108
Watershed protection
  state forests for, 77-5-101, 77-5-102
  timber value concerning, 77-5-204
Windbreaks, 76-13-104, 76-13-111
Woodlots, 76-13-104, 76-13-111
Zone of infestation, See **Disease and insect pest control**

FORFEITURES

  See **SEARCH AND SEIZURE**; specific subject area

FORGERY AND COUNTERFEITING

  See also **CRIMES**

Acupuncturists, forged statements concerning licenses, 37-13-311
Casualty insurance, See **INSURANCE — CASUALTY**, generally
Commercial paper, See **COMMERCIAL PAPER**
Cosmetics labels, 50-31-501
Dentists — alteration of diplomas, certificates, or transcripts, 37-4-326
Drugs, labels, 50-31-103, 50-31-501, 50-32-101, See also **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Misbranded articles**
Elections, forgery of endorsement of ballot, 13-35-207
Engineers, professional — forged evidence in obtaining certificate of registration, 37-67-332
Food labels, 50-31-501
Insurance against, See **INSURANCE — CASUALTY**, generally
Landscape architects, forged evidence in obtaining licenses, 37-66-104
Land surveyors, forged evidence in obtaining certificate of registration, 37-67-332
Letters of credit, 30-5-114
Negotiable instruments, See **COMMERCIAL PAPER**
Optometrists, alteration of certificates of registration, 37-10-301
Physicians, false or forged evidence to board of medical examiners, 37-3-325
Statutes of limitation, 27-2-213
Trademarks and service marks, 30-13-333, 30-13-335, 50-31-501

FORMS

Abandoned horses, sale notices, 81-4-510
Abandoned property, notice, 70-9-302
Acknowledgments, certificates of
  attorney-in-fact, 1-5-205
  corporation, 1-5-204
  general, 1-5-203
Admissions, request for, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 21
Affirmation in lieu of oath, 1-6-104
All-beverages license, notice of application, 16-4-207
Answer, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16

FORMS (Continued)

- **Appeals**
  - briefs
    - reference to the record, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
    - statement of the case, Title 25, chapter 21, M.R.App.Civ.P., Rule 23
  - in forma pauperis, affidavit, Title 25, chapter 21, M.R.App.Civ.P., Appendix, Form 2
  - notice of appeal, Title 25, chapter 21, M.R.App.Civ.P., Appendix, Form 1
- **Bonds**, performance — notice for claim against, 18-2-204
- **Civil actions**, Title 25, chapter 20, M.R.Civ.P., Rule 84 and Appendix
- **Commitment**
  - abused, neglected, or dependent children — form for, 41-3-406
  - delinquent youth or youth in need of supervision — form for, 41-5-523
- **Community college districts**
  - organization, proposition for, 20-15-203
  - trustee election, 20-15-220
- **Complaint on or for**
  - account, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 3
  - answer to complaint, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 17
  - conversion, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 10
  - election contest, 13-36-203
  - fraudulent conveyance, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 12
  - goods sold and delivered, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 4
  - interpleader and declaratory relief, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 14
  - money had and received, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 7
  - money lent, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 5
  - money paid by mistake, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 6
  - negligence, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms, 8, 9, 13
  - promissory note, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 2
  - quiet title action, 70-28-104
  - small claims court, justice's court — in, 25-35-602
  - specific performance, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 11
  - tax deed, contents, 15-18-302
  - taxes, 15-16-502
  - third-party, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 18
- **Concealed weapon**, permit to carry, 45-8-319
- **Conciliation**, petition for, 40-3-122
- **Counterclaim**, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 16, 17
- **County high school unification election ballot**, 20-6-312
- **Covenants**, 30-11-110
- **Cross-claim**, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 16
- **Declaration in lieu of oath**, 1-6-104
- **Deeds**, 70-20-103
- **Defenses**, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 16, 17
- **Deposition envelopes**, Title 25, chapter 20, M.R.Civ.P., Rule 30(f)
- **Discovery**, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 20, 21
- **Dismissal**, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 15
- **Door-to-door sales contracts**, cancellation, 30-14-505
- **Elections**
  - ballot issues
    - ballot, 13-27-312
    - petitions
      - constitutional amendment, 13-27-207
      - constitutional convention, 13-27-206
      - initiative, 13-27-204
      - referendum, 13-27-205
      - signatures, verification, 13-27-302, 13-27-304, 13-27-307
  - ballots
    - absentee ballot envelopes, 13-13-214
    - ballot issues, 13-27-312
    - judicial incumbants, for, 13-14-212
    - paper ballot instructions, 13-12-209
    - rejection marking, 13-15-203
  - challenges, oath of elector, 13-13-306

FORMS (Continued)

Elections (Continued)
    contest, complaint, 13-36-203
    polling places, warning notices, 13-13-113
    registration notice envelopes, 13-2-207
Emergency and disaster services personnel, oath, 10-3-112
Enlistment oath, 10-1-302
Execution
    imprisoned judgment debtor, oath, 25-14-306
    sale, notice, 25-13-701
Executive clemency, order favoring recommendation, 46-23-302
Grants of property, 70-20-103
Horses, abandoned — sale notices, 81-4-510
Installment sales contracts, 31-1-231
Interpleader, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 14, 17, 18
Intervention, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 19
Judge, motion for substitution, 3-1-802
Judgment, abstract for justices' courts, 25-31-911
Juror's oath, 25-7-207
Liens, loggers', 71-3-605
Militia
    enlistment oath, 10-1-302
    officers' oath, 10-1-202
Mines, reclamation map certification, 82-4-222
Mortgages, 71-1-204
Necessary party, omission, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 22
Oaths, 1-6-102
    affirmation or declaration in lieu of, 1-6-104
    emergency and disaster services personnel, 10-3-112
    enlistment, 10-1-302
    jurors, 25-7-207
    military officers, 10-1-202
    public officers, 2-16-211
Personal solicitation sales contracts, cancellation, 30-14-505
Pleadings, caption, Title 25, chapter 20, M.R.Civ.P., Rule 10(a)
Production, motion for, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 20
Quieting title
    complaint, unknown parties defendant, 70-28-104
    memorandum when action by heirs of deceased entrymen, 70-28-208
    summons, 70-28-207; Title 25, chapter 20, M.R.Civ.P., Rule 4C
Recall
    certification of signatures, 2-16-619, 2-16-620
    election
        ballot, 2-16-633
        notice, 2-16-631
    petition, 2-16-616
Retail installment sales contracts, 31-1-231
Rules of Appellate Civil Procedure, Title 25, chapter 21, M.R.App.Civ.P., Appendix
Rules of Civil Procedure, Title 25, chapter 20, M.R.Civ.P., Rule 84 and Appendix
Sales
    execution, notice, 25-13-701
    personal solicitation, cancellation, 30-14-505
    real property under decree of court, record, 70-21-206
School districts
    bond election
        ballot, 20-9-426
        notice, 20-9-427
    bonds, notice of sale, 20-9-430
    building reserve election ballot, 20-9-502
    joint interstate contracts, proposition for approval, 20-9-705
School election ballots, See **SCHOOL ELECTIONS, Ballots, form**
School trustee election ballot, 20-3-306
Secured transactions, financing statement, 30-9-402

FORMS (Continued)

- **Set aside**, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 12
- **Sheriff's sale**, notice, 25-13-701
- **Small claims court**
  - district court, affidavit and order, 25-34-201
  - justice's court
    - complaint and order of court/notice to defendant, 25-35-602
    - defendant's counterclaim, 25-35-606
- **Summons**, Title 25, chapter 20, M.R.Civ.P., Appendix, Forms 1, 18
  - quieting title, 70-28-207; Title 25, chapter 20, M.R.Civ.P., Rule 4C
  - tax deed, action for, 15-18-304
- **Supersedeas bond**, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 23
- **Taxation**
  - assessment book, affidavit of
    - county clerk and recorder, 15-10-306
    - revenue, department of, 15-10-305
  - assessment, notice of change, 15-1-403
  - collection, complaint in action for, 15-16-502
  - county tax deed lands certificate, 15-17-303
  - tax deed, 15-18-205, 15-18-308
    - application notice, 15-18-202
    - complaint in action for, 15-18-302
    - summons in action for, 15-18-304
- **Third-party complaint**, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 18
- **Unclaimed property**, notice, 70-9-302
- **Youth court proceedings**, petition, 41-5-501

FORT PECK DAM

See **DAMS AND RESERVOIRS**

FORT UNION TRADING POST

See **PARKS**

40-ACRE LAW

See generally **ZONING, County; County board of adjustment; County district** **Planning and zoning commission**

FOSTER HOMES

- **Abused, neglected, and dependent children** — placement in, 41-3-104, 41-5-306
- **Administration**, 41-5-801
- **Adult Foster Family Care Act**, Title 53, chapter 5, part 3, See **Adults**
- **Adults**, care for, Title 53, chapter 5, part 3
- **Definitions**, 41-3-501
- **Detention of minors**, 41-5-306, 41-5-403, 41-5-523
- **Developmentally disabled persons**, See **DEVELOPMENTALLY DISABLE PERSONS**
- **Establishment**, 41-5-801
- **Fire protection and safety regulations**, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
- **"Foster home" defined**, 41-3-501, 41-5-103
- **Funding**, 41-5-801
- **Inspections**, 41-3-503, 41-4-106
- **Interstate placement of children**, 41-4-101
- **Licensing**
  - cancellation, 41-3-503
  - discrimination in issuance prohibited, 49-3-204
  - failure to obtain, 41-3-504

FOSTER HOMES (Continued)

Licensing (Continued)
    issuance, 41-3-503
    required, 41-3-502
Nursing care of minors, 37-8-103
Parents or guardians, liability for cost, 41-3-105, 41-3-405, 41-5-805, 41-5-806
Placement in
    detention or shelter care, 41-5-306, 41-5-403, 41-5-523
    interstate, 41-4-101
Shelter care for minors, 41-5-306, 41-5-801
Social and Rehabilitation Services, Department of
    adult foster care, supervision, Title 53, chapter 5, part 3
    authority respecting, 41-3-503
    funding by, 41-5-801
    licensing provisions, 41-3-502, 41-3-503
Support of children
    parents or guardians, liability, 41-5-805, 41-5-806
    payments, 41-3-104
Youth court, responsibilities respecting, 41-5-801
Zoning regulations, See **ZONING, Community residential facilities**

FOUNDATION PROGRAM

See **SCHOOL FINANCE**

FOUNDATIONS

See **CHARITIES**

FOX FARMING

See **FISH AND WILDLIFE, Game or fur farms**

FOX, NORTHERN SWIFT

See **FISH AND WILDLIFE, Fur-bearing animals**, generally

FRANCHISE DISABILITY INSURANCE

See **INSURANCE — DISABILITY**

FRATERNAL BENEFIT SOCIETIES

Accident and health insurance certificates, See **Benefit certificates**
Actions
    commencement, limitation prohibited, 33-7-515
    misrepresentation, recovery of penalty, 33-7-518
    violation of standards of conduct, regarding, 33-7-115
    voluntary associations, effect of incorporation, 33-7-206
Actuary, certification of valuations, 33-7-405
Agents, See also **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
    defined, 33-7-525
    examinations, 33-7-111, 33-7-526
    licenses, 33-7-526
    rebates prohibited, 33-7-519
Alcoholic beverage licensing, See **ALCOHOLIC BEVERAGES**
Alien societies, See **Foreign and alien societies**
Annual statements, 33-7-404
    failure to file, 33-7-406

FRATERNAL BENEFIT SOCIETIES (Continued)

Annual statements (Continued)
  property, reporting, 33-7-305
  reserve valuations, inclusion, 33-7-405
Annuity benefits, See generally **Benefit certificates**; **Benefits**
Applicability of provisions, 33-7-101
Articles of incorporation
  amendments, 33-7-302, 33-7-513
  benefit agreement, inclusion, 33-7-513
  contents, 33-7-201
  filing, 33-7-202, 33-7-502
  foreign and alien societies, 33-7-302, 33-7-502
  void when, 33-7-203
Assets
  held for society, 33-7-402
  property not allowed, when, 33-7-305
  purpose, set aside for, 33-7-402
  receiver, possession when, 33-7-115
  reinsurance not allowed, 33-7-517
  use, 33-7-402
Beneficiaries
  change of, 33-7-508
  funeral benefits, 33-7-510
  no waiver provision, 33-7-303
Benefit certificates
  accident and health insurance, 33-7-516
  beneficiaries, See **Beneficiaries**
  disability insurance, 33-7-516
  endorsements, 33-7-513, 33-7-516
  forfeiture provisions prohibited when, 33-7-515
  forms, filing of copies, 33-7-516
  incontestability, 33-7-104, 33-7-514
  indebtedness against, 33-7-401, 33-7-509
  issuance generally, 33-7-104, 33-7-204, 33-7-513
  life certificates
    prohibited provisions, 33-7-515
    standard provisions, 33-7-514
    valuation, 33-7-405
  loans
    granting, 33-7-509
    repayment, 33-7-515
    termination by, 33-7-514
  premiums, See **Premiums**
  reinstatement, 33-7-514
  reserves, See **Reserves**
  riders, 33-7-513, 33-7-516
  termination, 33-7-514
  terms, members bound by, 33-7-504
  transfer of form of, 33-7-515
  valuations, See **Valuations**
Benefits
  agreements, 33-7-513
  attachment prohibited, 33-7-511
  beneficiaries, See **Beneficiaries**
  certificates, See **Benefit certificates**
  children, on lives of, 33-7-506, 33-7-507
  discrimination prohibited, 33-7-519
  false statements, penalty, 33-7-518
  funeral, 33-7-510
  generally, 33-7-506
  increase, 33-7-505
  misrepresentation, penalty, 33-7-518
  nonforfeiture benefits, 33-7-509, 33-7-514

FRATERNAL BENEFIT SOCIETIES (Continued)

Benefits (Continued)
  officers, liability, 33-7-512
  reduction, 33-7-514
  termination, 33-7-514
Board of directors, See **Directors, board of**
Bond required when, 33-7-202
Branches, See **Subordinate lodges or branches**
Cash surrender values, See **Insurance**
Certificates
  authority of, 33-7-203, 33-7-204
  benefit, See **Benefit certificates**
  compliance, of, 33-7-205
  consolidation or merger, of approval, 33-7-211
  examinations, medical, 33-7-204
  foreign and alien insurers, of incorporation, 33-7-502
  loans, See **Benefit certificates**
  permanent, 33-7-201
  preliminary, 33-7-202 — 33-7-204
Circulars, filing of copies, 33-7-202
Commissioner, See **INSURANCE, COMMISSIONER OF**
Conduct, standards of — violation, 33-7-115
Consolidations or mergers, 33-7-211, 33-7-212
Constitution and laws
  amendments, 33-7-301, 33-7-302, 33-7-513
  beneficiaries, provisions regarding, 33-7-510
  benefit agreement, inclusion, 33-7-513
  evidence, copies as, 33-7-302
  filing, 33-7-202
  foreign and alien societies, 33-7-302, 33-7-502
  no waiver provision, 33-7-303
  powers concerning, 33-7-301
  reserves, impairment — provision for, 33-7-401
  violation, 33-7-514
Continuation of voluntary associations, 33-7-206
Conversion into mutual life insurer, 33-7-213
Corporate powers, retention, 33-7-207
Death benefits, See generally **Benefit certificates; Benefits**
Definitions, 33-7-102, 33-7-103, 33-7-525
Delegates, 33-7-102
Directors, board of
  conversion into mutual life insurer, plans for, 33-7-213
  deficiency in reserves, determination of member's share, 33-7-401
  election, 33-7-102
  examination reports, 33-7-111
  minutes of proceedings, 33-7-304
  officers, election, 33-7-102
  responsibilities and duties, 33-7-102
Disability benefits, See generally **Benefit certificates; Benefits**
Discrimination in contract terms or conditions prohibited, 33-7-519
Documents
  accessibility, 33-7-111, 33-7-112
  copies as evidence when, 33-7-513
  filing, 33-7-202
Employees, 33-7-111
Endowment benefits, See generally **Benefit certificates; Benefits**
Examinations
  agents, 33-7-111, 33-7-526
  domestic societies, 33-7-111
  expenses, 33-7-111, 33-7-112
  foreign and alien societies, 33-7-112, 33-7-502
  generally, 33-7-104, 33-7-205

FRATERNAL BENEFIT SOCIETIES (Continued)

Examinations (Continued)
  medical, 33-7-104, 33-7-204
  reports, 33-7-111, 33-7-113
Exempted and partially exempted societies, 33-7-104
False statements, penalty, 33-7-518
Fees
  financial statement, filing, 33-7-404
  licenses, 33-7-501
  service of process, 33-7-114
Filings
  annual statements, 33-7-404
    failure to file, 33-7-406
  articles of incorporation, 33-7-202, 33-7-502
    amendments, 33-7-302
  benefit certificate forms, 33-7-516
  circulars, copies, 33-7-202
  consolidation or merger documents, 33-7-211
  constitution and laws, 33-7-202, 33-7-502
    amendments, 33-7-302
  financial statements, 33-7-211, 33-7-404
  foreign and alien societies, by, 33-7-302, 33-7-502
  insurability, declaration of, 33-7-204
  medical examination certificates, 33-7-204
  rules, 33-7-202
  valuations, 33-7-405
Financial statements
  annual, See **Annual statements**
  consolidation or merger, requirements, 33-7-211
  filing, 33-7-404
  publication prohibited when, 33-7-113
Fines, 33-7-518
Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Foreign and alien societies
  articles of incorporation, 33-7-302, 33-7-502
  constitution and laws, 33-7-302, 33-7-502
  examination, 33-7-112, 33-7-502
  filings, 33-7-302, 33-7-502
  investments, 33-7-403
  license
    qualifications, 33-7-502
    suspension, revocation, or refusal, 33-7-503
Fraudulent practices, 33-7-115, 33-7-503
Funds
  generally, 33-7-402
  investment, 33-7-403
  liquidation, distribution upon, 33-7-115
  management, 33-7-201
Funeral benefits, 33-7-510, See also generally **Benefit certificates**; **Benefits**
Funeral homes, operation prohibited, 33-7-305
Governing body
  articles of incorporation, amendments, 33-7-302
  composition, 33-7-102
  consolidations or mergers, approval, 33-7-211
  constitution or laws, amendments, 33-7-302
  conversion into mutual life insurers, plans for, 33-7-213
  delegates, election, 33-7-102
  directors, board of — control and election, 33-7-102
  examination reports, 33-7-111
  meetings, 33-7-102, 33-7-304
  minutes of proceedings, 33-7-304

FRATERNAL BENEFIT SOCIETIES (Continued)

Governing body (Continued)
    officers, election, 33-7-102, 33-7-201
    representatives, election, 33-7-102
Hearings, 33-7-115
Hospital benefits, See generally **Benefit certificates; Benefits**
Incorporation, See also **Organization**
    articles of, See **Articles of incorporation**
    voluntary associations, 33-7-206
Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Injunction, 33-7-115
Institutions operated by, 33-7-305
Insurability of members, See **Members**
Insurance
    agents, See **Agents**
    benefits, See **Benefit certificates; Benefits**
    cash surrender values, 33-7-509, 33-7-514
    certificates of, See **Benefit certificates**
    contracts
        false statements, penalty, 33-7-518
        fulfillment, lack of, 33-7-115, 33-7-503
        misrepresentation, penalty, 33-7-518
        regulations, 33-7-516
        reinsurance, 33-7-517
        solicitation, See **Agents**, generally
        voluntary associations, effect of incorporation, 33-7-206
    loans, See **Benefit certificates**
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Investments, 33-7-403
Landlord-tenant provisions, applicability, 70-24-104
Laws, See **Constitution and laws**
Legislative body, See **Governing body**
Licenses
    agents, 33-7-526
    annual, 33-7-501
    fee, 33-7-501
    foreign and alien societies, 33-7-502, 33-7-503
    reinstatement, 33-7-115
    suspension, revocation, or refusal, 33-7-503
Life and Disability Insurance Policy Language Simplification Act, 33-15-321 — 33-15-329, See **INSURANCE, Policies**, language simplification
Liquidation, 33-2-1304, 33-7-115, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Medical benefits, See generally **Benefit certificates; Benefits**
Medical examinations, inapplicability of provisions when, 33-7-104
Medical examiner, declarations of insurability filed with, 33-7-204
Meetings
    examination reports, read when, 33-7-111
    governing body, 33-7-102, 33-7-304
    subordinate lodges and branches, 33-7-102
Members
    admission, 33-7-301
    age requirements, 33-7-504
    annual statements, synopsis to, 33-7-404
    articles of incorporation, amendments, 33-7-302
    beneficiaries, See **Beneficiaries**
    benefits, See **Benefit certificates; Benefits**
    certificates, See **Benefit certificates**
    consolidation or merger contract, copy to, 33-7-211
    constitution or laws
        amendments, 33-7-302
        no waiver provision, 33-7-303

FRATERNAL BENEFIT SOCIETIES (Continued)

Members (Continued)
  conversion to mutual life insurer, approval of agreement, 33-7-213
  deficiency in reserves, share, 33-7-401
  discrimination in terms and contracts prohibited, 33-7-519
  examination reports, copy furnished to, 33-7-111
  general members, 33-7-504
  insurability
    declaration as part of benefit agreement, 33-7-513
    evidence of, furnished when, 33-7-204, 33-7-504, 33-7-505, 33-7-514
  premiums, See **Premiums**
  proxy, vote by — prohibited, 33-7-102
  rebates prohibited, 33-7-519
  social members, 33-7-504
  solicitation, qualifications, 33-7-204
  suspension or expulsion, 33-7-514
  terms of society, bound to, 33-7-504
Membership
  age requirements, 33-7-507
  application for, as part of benefit agreement, 33-7-513
  children, 33-7-507
  less than required, 33-7-115
  qualifications, 33-7-504
Mergers or consolidations, 33-7-211, 33-7-212
Misrepresentation, penalty, 33-7-518
Montana Insurance Code, applicability, 33-1-102, 33-7-101, 33-7-104
Monument benefits, 33-7-506, See also generally **Benefit certificates**; **Benefits**
Mutual life insurer, conversion into, 33-7-213
Name, 33-7-201
Noncompliance with provisions, 33-7-115, 33-7-503
Nonforfeiture benefits, See **Benefits**
Notices
  annual statements, penalty for failure to file, 33-7-406
  articles of incorporation, amendments, 33-7-302
  consolidations or mergers, 33-7-211
  constitution and laws, amendments, 33-7-302
  conversion into mutual life insurer, 33-7-213
Nursing benefits, See generally **Benefit certificates**; **Benefits**
Officers
  affidavits, 33-7-211, 33-7-302
  applicants, list and statement of advance premiums paid by, 33-7-204
  articles of incorporation, amendments, 33-7-302, 33-7-513
  benefits, liability, 33-7-512
  consolidations or mergers, 33-7-211
  constitution and laws
    amendments, 33-7-302, 33-7-513
    no waiver provision, 33-7-303
  election, 33-7-102, 33-7-201
  examination, 33-7-111
  foreign and alien societies, statement of business, 33-7-502
  hearings, notification, 33-7-115
  liability, personal, 33-7-512
  proxy, vote by — prohibited, 33-7-102
  voluntary associations, 33-7-206
Office, location, 33-7-304
Organization, See also **Incorporation**
  certificates
    compliance, of, 33-7-205
    preliminary, 33-7-202
      validity, time period, 33-7-203
  completion, time for, 33-7-203
  governed how, 33-7-201
  solicitation of members, 33-7-204

FRATERNAL BENEFIT SOCIETIES (Continued)

Penalties, 33-7-406, 33-7-518
Policy Language Simplification Act, Life and Disability Insurance, 33-15-321 — 33-15-329, See **INSURANCE, Policies**, language simplification
Powers generally, 33-7-301
Premiums
  advance, 33-7-204
  default in payment, 33-7-514
  defined, 33-7-103
  discrimination prohibited, 33-7-519
  fixing and adjusting, 33-7-301
  life benefit certificates, provisions, 33-7-514
  nonpayment, 33-7-514
  rebates prohibited, 33-7-519
  reserve valuations, 33-7-405
  returned when, 33-7-204, 33-7-514
  solicitations, initial — from, 33-7-204
Property, 33-7-212, 33-7-305
Provisions applicable, 33-7-101
Rates, See **Premiums**
Rebates prohibited, 33-7-519
Receiver, appointment, 33-7-115
Receivership, 33-7-115, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Records
  certificate of compliance, 33-7-205
  receiver, possession when, 33-7-115
Referendum when, 33-7-302
Rehabilitation, 33-2-1304, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Reincorporation, 33-7-207
Reinsurance, 33-7-517, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY, Reinsurance**
Reports
  examinations, from, 33-7-111
  publication prohibited when, 33-7-113
Representative form of government, 33-7-102
Representatives, 33-7-102
Reserves
  additional required when, 33-7-405
  impairment, 33-7-401
  reinsurance, credit for, 33-7-517
  valuations, 33-7-405
Residences, applicability of landlord-tenant laws, 70-24-104
Restrictions, 33-7-104
Review of decisions concerning, 33-7-116
Rules
  beneficiaries, provisions regarding, 33-7-510
  filing, 33-7-202
  violation, 33-7-514
Scope of provisions, 33-7-101
Securities registration, exemption, 30-10-104
Service of process, 33-7-114, 33-7-502
Solicitation of members, See **Members**
Solicitors, 33-7-519
Standards of conduct, violations, 33-7-115
Subordinate lodges or branches
  articles of incorporation, amendments, 33-7-302
  children, for, 33-7-507
  constitution or laws
    amendments, 33-7-302
    no waiver provision, 33-7-303
  establishment, number required, 33-7-204

FRATERNAL BENEFIT SOCIETIES (Continued)

Subordinate lodges or branches (Continued)
  exemptions to provisions, 33-7-104
  meetings, requirements, 33-7-102
  members, liability concerning benefits, 33-7-512
  officers, liability concerning benefits, 33-7-512
Supreme legislative body, See **Governing body**
Surety bond required when, 33-7-202
Taxation, 15-6-203, 15-6-209, 15-31-102, 33-7-407
Tombstone benefits, 33-7-506, See also generally **Benefit certificates; Benefits**
Valuations
  expenses, 33-7-111, 33-7-112
  reserves, methods, 33-7-405
Violations
  agents, failure to have license, 33-7-526
  misrepresentation, 33-7-518
  standards of conduct, of, 33-7-115
Voluntary associations, incorporation and continuation, 33-7-206

FRAUD

  See also **CRIMES**, **False pretenses and fraud**; **Theft**

Accountants, fraudulent practices, 37-50-321
Actual fraud, 28-2-404, 28-2-405, See **CONTRACTS**, **Consent**
Acupuncturists, fraudulent practices, 37-13-311
Agent, no authority to defraud principal, 28-10-409
Arbitration award, grounds for vacation, 27-5-301
Architects, fraudulent practices, 37-65-321
Arrest for, 27-16-102
Breach of promise, basis for recovery, 27-1-602
Casualty insurance, See **INSURANCE — CASUALTY**, generally
Chiropractors, fraudulent practices, 37-12-321, 37-12-324
City authority, 7-31-4104
Claims to public agencies, false, 45-7-210
Commercial paper
  alteration, 30-3-407
  negotiation, 30-3-207
  transfer by, 30-3-201
Constructive fraud, 28-2-404, 28-2-406, See **CONTRACTS**, **Consent**
Consumer protection, 30-14-142
Contracts, See **CONTRACTS**
Conveyances, See **FRAUDULENT CONVEYANCES**
Cosmetics, consumer protection, 50-31-105, 50-31-509
Creditors, fraudulent conveyances to defraud, See **FRAUDULENT CONVEYANCES**
Damages
  discretionary interest, 27-1-212
  exemplary, 27-1-221
  liability for, 27-1-712
Deeds, parol evidence, 28-2-905, 70-20-202
Defense, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)
Defined, 28-2-404 — 28-2-406, See also **CONTRACTS**, **Consent**
Dentists, fraudulent practices, 37-4-323, 37-4-326
Documents of title, insurance, 30-7-702
Drugs
  consumer protection, 50-31-105, 50-31-509
  registration of manufacturers and distributors, application, 50-32-306
Elections, See also **ELECTIONS**, **Crimes and prohibited acts**
  ballot issues, 13-27-106
  counting of votes, grounds for contest, 13-36-101
  election officials, by, 13-35-204
  registration of elector, in, 13-35-207
Electricians, in obtaining licenses, 37-68-321

FRAUD (Continued)

Engineers, professional — fraudulent practices, 37-67-331
Execution, in proceedings in aid of, 25-14-106
Firefighters' unified retirement system, penalty, 19-13-109
Food, consumer protection, 50-31-105, 50-31-509
Foreign corporations, by, 35-1-1019
Fraternal benefit societies, fraudulent practices, 33-7-115, 33-7-503
Fraudulent conveyance, applicability of laws, 31-2-324, See also **FRAUDULENT CONVEYANCES**, generally
Fraudulent Conveyances Act, Uniform, Title 31, chapter 2, part 3, See **FRAUDULENT CONVEYANCES**
Funeral directors, fraudulent practices, 37-19-311
Gasoline and petroleum products
    license tax on, 15-70-212, 15-70-226
    price discrimination as, 82-15-203
Health service corporation enrollment representatives, obtaining license by, 33-30-313
Hearing aid dispensers, fraudulent practices, 37-16-411
Injunction, 27-19-201
Installment sales licensees, 31-1-222
Instruments, parol evidence, 28-2-905, 70-20-202
Insurance
    against fraud, See **INSURANCE — CASUALTY**, generally
    agents, solicitors, or adjusters — fraudulent practices, 33-17-1001
    applications, fraudulent statements, 33-15-403
    benefits, fraudulent practices regarding, 33-15-511, 33-15-514
    consultants, fraudulent practices, 33-17-507
    disability, fraudulent misstatements, 33-22-205
    life insurance or annuity contracts, contestability when, 33-20-119
    property
        defense to suit upon, fraud as, 33-24-102
        fraudulent valuation, rescission of contract, 33-24-101
    rating or advisory organizations, fraudulent practices, 33-16-111
Insurers, fraudulent transfers, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Transfers**
Judgment, relief from when, 26-3-205; Title 25, chapter 20, M.R.Civ.P., Rule 60(b)
Judicial record, impeachment by, 26-3-105
Landlord-tenant relationships, applicability, 70-24-105
Landscape architects, fraudulent practices, 37-66-321
Land surveyors, fraudulent practices, 37-67-331
Letters of credit, 30-5-114
Liability, 27-1-712
Marriage
    breach of promise, basis for recovery, 27-1-602
    invalidity, grounds, 40-1-402
Mining and oil companies
    financing
        acts which are fraudulent, 30-14-701
        applicability of laws, 30-14-702
        exceptions, 30-14-702
        investigation, 30-14-703
        penalty, 30-14-704
        prosecution, 30-14-703
        securities commissioner
            investigation by, 30-14-703
            permit from, effect, 30-14-702
            prosecution by, 30-14-703
    tax fraud, See **Tax fraud**
Mobile home declarations of destination, 15-24-204
Morticians, fraudulent practices, 37-18-311
Nurses, fraudulent practices, 37-8-441, 37-8-443
Obligations, effect on forfeiture provisions, 28-1-104
Occupational health violations, correction orders procured by, 50-70-111
Oil companies, See **Mining and oil companies**

FRAUD (Continued)

Optometrists, fraudulent practices, 37-10-301, 37-10-311
Osteopaths, procurement of licenses, 37-5-311
Outfitters' and guide's licenses, ground for suspension or revocation when, 87-4-141
Partnerships
  continuation after dissolution, effect, 35-10-613
  notice and knowledge provisions, effect, 35-10-304
  rescission of partnership, 35-10-611
Pharmacists, procurement of licenses, 37-7-311
Pharmacy licenses, procurement, 37-7-321
Physical therapists, procurement of licenses, 37-11-302, 37-11-321
Physicians
  assistants or supervising physicians, approval obtained by, 37-20-104
  fraudulent practices, 37-3-322, 37-3-323
Pleading, Title 25, chapter 20, M.R.Civ.P., Rule 9(b)
Podiatrists, procurement of license, 37-6-311
Psychologists, procurement of licenses, 37-17-311
Public assistance, statute of limitations, 27-2-211
Public contractors, by, 15-50-302
Radiologic technologists, fraudulent practices, 37-14-321
Sales
  creditors of seller, rights, 30-2-402
  delivery, 30-2-403
  installment sales licensees, 31-1-222
  misrepresentation, 30-2-702
  remedies, 30-2-721
  title, transfer, 30-2-403
Sales finance companies, 31-1-222
Sanitarians, procurement of licenses, 37-40-311
Securities
  alteration by, enforceability, 30-8-206
  purchaser, by, 30-8-301
  registration, effect upon, 30-10-207
  unlawful, 30-10-301, 30-10-306, 30-10-307
Speech pathologists and audiologists
  fees, procurement, 37-15-102
  licenses, procurement, 37-15-321
State finance, false claims to public agencies, 45-7-210
Statutes of fraud, See **STATUTES OF FRAUD**
Statutes of limitation, 27-2-203
Tax fraud
  corporate taxes, 15-31-521, 15-31-542, 15-31-543, 15-31-544
  gasoline license tax, 15-70-212, 15-70-226
  income tax, individual, 15-30-145, 15-30-173, 15-30-179, 15-30-209, 15-30-307, 15-30-321, 15-30-323
  mines and mining, net proceeds tax, 15-23-506, 15-23-521
  oil and gas, net proceeds tax, 15-23-606, 15-23-610
  special fuel use tax, 15-70-333, 15-70-335
Trademarks and service marks, fraudulent registration, 30-13-332
Transfers, See **FRAUDULENT CONVEYANCES**
Unfair trade practices, 30-14-142
Uniform Fraudulent Conveyances Act, Title 31, chapter 2, part 3, See **FRAUDULENT CONVEYANCES**, generally
Veterinarians, fraudulent practices, 37-18-311
Water treatment plant operators, fraudulent practices, 37-42-321
Water well contractors, procurement of licenses, 37-43-311
Welfare fraud, statute of limitations, 27-2-211
Wills, parol evidence, 28-2-905, 70-20-202

FRAUDULENT CONVEYANCES

Applicability of laws, 31-2-201, 31-2-324
Assignment for benefit of creditors, applicability of laws, 31-2-201

FRAUDULENT CONVEYANCES (Continued)

Bona fide purchaser, 31-2-315, 70-20-404
Business persons, by, 31-2-312
Cases not provided for, 31-2-324
Construction, 31-2-325
Creditor
    defined, 31-2-301
    limitation of rights, 31-2-323
    remedies, 31-2-321, 31-2-322
Debts, persons about to incur, 31-2-213
Definitions
    fair consideration, 31-2-303
    fraudulent conveyance, 31-2-311 — 31-2-317
    generally, 31-2-301
    insolvency, 31-2-302
Delivery, failure presumed fraudulent, 31-2-315
"Fair consideration" defined, 31-2-303
Insolvent
    conveyance by, fraudulent, 31-2-311
    defined, 31-2-302
Instruments void, 70-20-401
    exception, 70-20-402
Intent to defraud, 31-2-314, 31-2-316
Interpretation, 31-2-325
Joinder of claims or remedies, Title 25, chapter 20, M.R.Civ.P., Rule 18(b)
Parol evidence, 28-2-905, 70-20-202
Partnerships
    fraudulent conveyance by, 31-2-317
    insolvency of, 31-2-302
Presumption, 31-2-315
Provisions located, 70-20-405
Purchaser in good faith, 31-2-315, 70-20-404
Receivers, appointment, 27-20-102
Remedies
    joinder, Title 25, chapter 20, M.R.Civ.P., Rule 18(b)
    limitation, 31-2-323
    matured claim, 31-2-321
    not matured claim, 31-2-322
Revocation, power of, 70-20-403
Set aside, form, Title 25, chapter 20, M.R.Civ.P., Appendix, Form 12
Statutes located, 70-20-405
Uniform Fraudulent Conveyances Act, Title 31, chapter 2, part 3, See this category generally
Uniformity of provisions, 31-2-325

FRAUDULENT CONVEYANCES ACT, UNIFORM, Title 31, chapter 2, part 3

    See **FRAUDULENT CONVEYANCES**, generally

FREEDOM OF INFORMATION

    See **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS; OPEN MEETINGS; PRIVACY; PUBLIC RECORDS**

FREEHOLD ESTATES

    See **REAL PROPERTY**

FREEWAYS

    See **HIGHWAYS, Controlled-access highways**

FREIGHT ELEVATORS
See **ELEVATORS**

FREIGHT, FREIGHT CARRIERS, AND FREIGHT LINE COMPANIES
See **CARRIERS, Freight carriers; MOTOR CARRIERS; RAILROADS**

FREIGHT INSURANCE
See **INSURANCE — MARINE**, generally

FRISK
See **SEARCH AND SEIZURE, Stop and frisk**

FROZEN DESSERTS AND FROZEN DESSERT PLANTS
See **DAIRIES AND DAIRY PRODUCTS**

FROZEN FOOD LOCKERS
See **FOOD AND FOOD PRODUCTS**

FRUIT AND FRUIT GROWERS
See **HORTICULTURE**, generally

FUEL OIL
See **GASOLINE AND PETROLEUM PRODUCTS**

FUGITIVES
See **CRIMES**

FULL FAITH AND CREDIT
See generally **EVIDENCE, Judicial records; JUDGMENTS AND DECREES, Foreign; JURISDICTION**

FUMES AND FUME CONTROL
See **AIR QUALITY**, generally

FUNERALS AND FUNERAL EXPENSES

Burial permits, 50-15-114, 50-15-405, 50-15-406
Cadavers, arrangements for burial, 50-21-102
Casualty insurance, benefits, See **INSURANCE — CASUALTY**, generally
Cemeteries, See **CEMETERIES**
Columbariums, See **MAUSOLEUMS AND COLUMBARIUMS**
County coroner, burials by, 44-3-403
Cremation, See **MAUSOLEUMS AND COLUMBARIUMS**
Criminal death
  investigation, burial after, 44-3-403
  payment for, 44-3-403, 53-9-128
Directors, See **MORTICIANS AND FUNERAL DIRECTORS**
Disinterment permit, 50-15-114, 50-15-407

FUNERALS AND FUNERAL EXPENSES (Continued)

Funeral homes, See **MORTICIANS AND FUNERAL DIRECTORS, Mortuaries**
Insurance benefits for, See **FRATERNAL BENEFIT SOCIETIES; INSURANCE — CASUALTY**, generally
Liability insurance, benefits, See **INSURANCE — CASUALTY**, generally
Mausoleums, See **MAUSOLEUMS AND COLUMBARIUMS**
Medical examiner, state — burial upon examination by, 44-3-403
Morticians, See **MORTICIANS AND FUNERAL DIRECTORS**
Mortuaries, See **MORTICIANS AND FUNERAL DIRECTORS, Mortuaries**
Prearranged plans, trusts, See **TRUSTS AND TRUSTEES, Funeral plans**
Transportation of bodies, 50-1-202, 50-15-114
Trusts, prearranged funeral plans, See **TRUSTS AND TRUSTEES, Funeral plans**
Veterans, Title 10, chapter 2, part 5, See **VETERANS, Burial**

FUNGICIDES

See **PESTS AND PESTICIDES**, generally

FURLOUGH PROGRAMS

See **PROBATION, PAROLE, AND CLEMENCY, Supervised release**

FURNITURE

See **TAXATION**

FURS AND FUR-BEARING ANIMALS

See generally **FISH AND WILDLIFE, Fur-bearing animals; Fur dealers; Game or fur farms**; See also **PREDATORS AND PREDATOR CONTROL, Skins, hides, and specimens**

FURTHER ASSURANCE

See **REAL PROPERTY, Covenants running with the land**

FUTURE INTERESTS

See **PROPERTY; REAL PROPERTY**

G

GALEN STATE HOSPITAL

See also **INSTITUTIONS**, generally

Enumerated as state institution, 53-1-202
Generally, Title 53, chapter 6, part 3
Tuberculosis treatment center, as, 50-17-104, 53-6-301

GAMBLING

Betting prohibited when, 23-4-301, 23-5-107, See also **HORSES AND HORSERACING, Pari-mutuel betting**
Bingo and raffles
- authorized, 23-5-411
- card, bingo — maximum price, 23-5-412
- cash basis only, 23-5-417
- charities, raffles for, 23-5-413
- cheating unlawful, 23-5-418

GAMBLING (Continued)

Bingo and raffles (Continued)
- citation of bingo and raffles law, 23-5-401
- county attorney, prosecution duties, 23-5-423
- credit prohibited, 23-5-417
- debt, gambling — action on not maintainable, 23-5-417
- definitions, 23-5-402
- drawings, raffle — time limitations on, 23-5-415
- enforcement of provisions, 23-5-423
- exemptions, 23-5-413
- lawful, 23-5-411
- licensing of games
  - control by licensing authority, 23-5-422
  - discrimination in issuance of license prohibited, 49-3-204
  - issuance of license, 23-5-421, 23-5-422
  - local government, authority, 23-5-421
  - nonprofit organizations, raffles for, 23-5-413
- local government, regulatory authority, 23-5-421, 23-5-422
- lottery provisions inapplicable, 23-5-202, 23-5-403
- minors — permitting participation by, unlawful, 23-5-416
- nonprofit organizations, exemption, 23-5-413
- peace officer, enforcement duties, 23-5-423
- penalty for violations generally, 23-5-431
- presence of player required when, 23-5-414
- prior law, exempt when, 23-5-403
- prizes
  - bingo, 23-5-412
  - raffles, 23-5-413
- time limitation on raffle drawings, 23-5-415
- violations generally, penalty, 23-5-431

Bingo and Raffles Law, Title 23, chapter 5, part 4, See **Bingo and raffles**

Brace and bunco games or equipment prohibited, 23-5-103, 23-5-106

Bribes or payments, public officers asking or receiving for protection of offenders unlawful, 23-5-127

Bunco unlawful, 23-5-103, 23-5-106

Card games
- authorized card games, 23-5-102, 23-5-311
  - defined, 23-5-302
- cash basis only, 23-5-314
- cheating unlawful, 23-5-316
- citation of Montana card games act, 23-5-301
- county attorney, prosecution duties, 23-5-323
- credit prohibited, 23-5-314
- debt, gambling — action on not maintainable, 23-5-314
- definitions, 23-5-302
- enforcement of provisions, 23-5-323
- enumeration, 23-5-311
- jurisdiction in district court, 23-5-332
- licensing of games
  - control by licensing authority, 23-5-322
  - discrimination in issuance of license prohibited, 49-3-204
  - issuance of license, 23-5-321, 23-5-322
  - local government, authority, 23-5-321
- local government, regulatory authority, 23-5-321, 23-5-322
- minors — permitting participation by, unlawful, 23-5-315
- peace officers, enforcement duties, 23-5-323
- penalty for violations of provisions generally, 23-5-331
- prior laws, effect, 23-5-303
- prizes, 23-5-312
- prohibited games, 23-5-102
- rake-off, 23-5-313
- rules of play, requirements and posting, 23-5-313

GAMBLING (Continued)

Card games (Continued)
  violations generally
    jurisdiction in district court, 23-5-332
    penalty, 23-5-331
Card Games Act, Title 23, chapter 5, part 3, See **Card games**
Cheating unlawful, 23-5-316, 23-5-418, 23-5-507
Citation of
  bingo and raffles law, 23-5-401
  card games act, Montana, 23-5-301
Cities and towns
  licensing authority, 23-5-321, 23-5-421
  mayor, enforcement duties, 23-5-125, 23-5-126
  ordinances prohibited, 23-5-142
  regulatory authority, 23-5-322, 23-5-422
Cockfights unlawful, 45-8-211
Confidence games unlawful, 23-5-106
Credit prohibited, 23-5-314, 23-5-417, 23-5-505
Debts, gambling, See **Losses, gambling**
Definitions, 23-5-101, 23-5-201, 23-5-302, 23-5-402
Enforcement of laws
  mayors, duty of, 23-5-125, 23-5-126
  public officers, failure to enforce unlawful, 23-5-126
Equipment, gambling
  destruction required when, 23-5-122
  evidence when, 23-5-122
  nuisance, public, 23-5-144
  peace officer, duty to confiscate, 23-5-121
  possession unlawful, 23-5-102 — 23-5-105
  public officer exempt from criminal possession when, 23-5-103
  slot machines prohibited, 23-5-104, 23-5-105
Games prohibited, 23-5-102, 23-5-311
Highway patrol, cause for disciplinary action, 44-1-612
Horseraces, See **HORSES AND HORSERACING**
Insurance policies executed by, void, 33-15-207
I.O.U.'s prohibited, 23-5-101, 23-5-201, 23-5-302, 23-5-402
Keno, See **Bingo and raffles**
Lessor of gambling premises
  liability, criminal, 23-5-143
  lotteries, leasing for unlawful, 23-5-209
  remedies, 23-5-143
Licenses
  bingo and raffles, 23-5-421, 23-5-422
  card games, authorized, 23-5-321, 23-5-322
  discrimination in issuance prohibited, 49-3-204
  local government, authority, 23-5-321, 23-5-421
  raffles, 23-5-421, 23-5-422
Local government
  licensing authority, 23-5-321, 23-5-421
  mayor, enforcement duties, 23-5-125, 23-5-126
  ordinances restricted, 23-5-142
  regulatory authority, 23-5-322, 23-5-422
Losses, gambling — civil action to recover, 23-5-131
  damages allowable, 23-5-131
  dependents — remedy available to, statute of limitations, 23-5-132
  discharge of defendant when, 23-5-135
  discovery, 23-5-134
  exemplary damages, allowable, 23-5-131
  not maintainable when, 23-5-314, 23-5-417, 23-5-505
  pleadings, 23-5-133
  statute of limitations, 23-5-131, 23-5-132
  witnesses, immunity, 23-5-141

GAMBLING (Continued)

Lotteries
  advertising unlawful, 23-5-205
  aiding unlawful, 23-5-205
  application of restrictive provisions, 23-5-202, 23-5-210
  bingo and raffles excluded, 23-5-202, 23-5-403
  defined, 23-5-201
  drawing unlawful, 23-5-203, 23-5-205
  fairs, agricultural — provisions inapplicable, 23-5-202
  foreign lotteries, provisions applicable, 23-5-210
  insuring or publishing offer to insure unlawful, 23-5-207
  leasing building with knowledge of lottery unlawful, 23-5-209
  office for lotteries — advertising, opening, or maintaining unlawful, 23-5-206
  out-of-state lotteries, provisions applicable to, 23-5-210
  prize or property offered, forfeiture to state, 23-5-208
  punishment for violations, 23-5-211
  rodeo associations, provisions inapplicable, 23-5-202
  tickets, selling or providing unlawful, 23-5-204, 23-5-205
  violation of provisions, penalty, 23-5-211
Mayors, enforcement duties, 23-5-125, 23-5-126
Minors, permitting participation in gambling games unlawful, 23-5-315, 23-5-416, 23-5-506
Money or property
  confiscated, disposition, 23-5-122, 23-5-123
  gambling game or trick, theft when, 23-5-107
Montana Card Games Act, Title 23, chapter 5, part 3, See **Card games**
Nuisance, public — gambling apparatus as, 23-5-144
Ordinances prohibited, 23-5-142
Pari-mutuel betting, See **HORSES AND HORSERACING**
Payoffs to protect offenders unlawful, 23-5-127
Peace officers
  arrest offenders, duty to, 23-5-121, 23-5-124, 23-5-323, 23-5-423, 23-5-508
  complaint or prosecution by, mandatory, 23-5-124, 23-5-323, 23-5-423, 23-5-508
  county attorney, prosecution duties, 23-5-323, 23-5-423, 23-5-508
  exempt from criminal possession of gambling equipment when, 23-5-103
  failure to enforce gambling provisions, 23-5-124, 23-5-126, 23-5-323, 23-5-423, 23-5-508
  seizure of gambling equipment, 23-5-121
Pools, See **Sports pools**
Prohibited games, 23-5-102, 23-5-104, 23-5-106, 23-5-311
Protection of offenders, public officer asking or receiving compensation for — unlawful, 23-5-127
Public officers, See also **Peace officers**
  county attorney, prosecution duties, 23-5-323, 23-5-423, 23-5-508
  enforcement duties, 23-5-127
  mayor, enforcement duties, 23-5-125, 23-5-126
  protection of offenders — asking or receiving compensation for, unlawful, 23-5-127
Raffles, See **Bingo and raffles**
Roulette unlawful, 23-5-103, 23-5-106
Search and seizure
  equipment, seizure of, 23-5-121
  moneys seized, disposition, 23-5-123
Second offenders, penalty for, 23-5-109
Slot machines, See also **Equipment, gambling**
  defined, 23-5-101
  possession unlawful, 23-5-104, 23-5-105
Soliciting or persuading persons to visit gambling places unlawful, 23-5-108
Sports pools
  authorized, 23-5-502
  cash basis only, 23-5-505
  cheating unlawful, 23-5-507
  county attorney, prosecution duties, 23-5-508
  credit prohibited, 23-5-505
  debt, gambling — action on not maintainable, 23-5-505
  defined, 23-5-501

GAMBLING (Continued)

Sports pools (Continued)
  enforcement of provisions, 23-5-508
  jurisdiction in district court, 23-5-510
  minors, permitting participation unlawful, 23-4-301, 23-5-506
  peace officer, enforcement duties, 23-5-508
  penalty for violations generally, 23-5-509
  price of chance, maximum, 23-5-503
  prior law, effect, 23-5-511
  prize, 23-5-503
  rules, cards to state, 23-5-503
  transportation of cards, exempt from federal law, 23-5-504
  violations generally, penalty, 23-4-301, 23-5-509
Theft, gambling as, 23-5-107

GAME ANIMALS AND BIRDS

  See **FISH AND WILDLIFE**

GAME FARMS

  See **FISH AND WILDLIFE**

GAME FISH

  See generally **FISH AND WILDLIFE**, **Fish**; **FISHING AND FISHERMEN**

GAME PRESERVES OR REFUGES

  See **FISH AND WILDLIFE**, **Preserves and refuges**

GAMES OF CHANCE

  See **GAMBLING**, **Bingo and raffles**; See also **GAMBLING**, generally

GAME WARDENS

  See **FISH AND GAME WARDENS; GAME WARDENS' RETIREMENT SYSTEM**

GAME WARDENS' RETIREMENT SYSTEM

Actuarial valuations and investigations, 19-8-202
Administration
  board, by, See **Public Employees' Retirement Board**
  expenses, 19-8-203, 19-8-404
  generally, Title 19, chapter 8, part 2
Administration, Department of — collection of fee for expenses, 19-8-203
Assets, use and purpose, 19-8-404
Beneficiary
  defined, 19-8-101
  felony conviction, effect, 19-8-803
  nomination, 19-8-702
Benefits, See also **Death benefits**
  "actuarial equivalent" defined, 19-8-101
  disability retirement, See **Disability retirement**
  discrimination prohibited, 19-8-201
  duplication prohibited, 19-8-305
  early retirement, See **Service retirement**
  group insurance premiums withheld from, 19-8-806
  involuntary retirement, 19-8-604

GAME WARDENS' RETIREMENT SYSTEM (Continued)

Benefits (Continued)
  judicial officer as attorney in, prohibited, 3-1-601
  legal process, exempt from, 19-8-805
  "member's annuity" defined, 19-8-101
  nonforfeitable, 19-8-406
  optional, 19-8-801
  payments
    erroneous, correction, 19-8-804
    fixed, 19-8-802
    monthly, 19-8-802
    refused when, 19-8-803
  "retirement allowance" defined, 19-8-101
  service retirement, See **Service retirement**
  state annuity
    defined, 19-8-101
    revocation or suspension, 19-8-803
  taxation, exempt from, 19-8-805
  unassignable, 19-8-805
  vesting, 19-8-406
  workers' compensation benefits, applicability, 19-8-103
Board of, See **Public Employees' Retirement Board**
Compulsory retirement, See **Service retirement**
Contributions, See also **Contributors**
  discontinuance, 19-8-406
  disposition, 19-8-501
  military service, during, 19-8-304
  other retirement systems, qualification for service in, 19-8-306
  payroll deduction, 19-8-502
  rate, 19-8-502
  refundable when, 19-8-503
  state, rate, 19-8-504
  withdrawal, 19-8-503
Contributors, See also **Contributions**
  conduct, wrongful — effect, 19-8-803
  defined, 19-8-101
  federal service, qualification, 19-8-307
  other retirement systems, qualification for service in, 19-8-306
  termination of employment, 19-8-503
Death benefits, See also **Benefits**
  employment-related death, 19-8-703
  generally, 19-8-704
  workers' compensation benefits, applicability, 19-8-703
Definitions, 19-8-101
Disability retirement
  benefits
    cancellation when, 19-8-712
    computation, 19-8-701
  determination of disability, 19-8-711
  medical examinations, 19-8-711, 19-8-712
Early retirement, See **Service retirement**
Enforcement of provisions, 19-8-201
Establishment, 19-8-102
False statements, penalty, 19-8-104
Falsification of records, penalty, 19-8-104
Fish, Wildlife, and Parks — Department of
  administrative expenses, fees collected for, 19-8-203
  contributions, from, 19-8-501, 19-8-504
  disability retirees, reinstatement to duty, 19-8-712
Fraud, penalty, 19-8-104
Funds
  dormant accounts, transfer, 19-8-405
  employer's account, transfer, 19-8-405

GAME WARDENS' RETIREMENT SYSTEM (Continued)

Funds (Continued)
  legal process, exempt from, 19-8-805
  retirement account
    creation, 19-8-401
    custodian, 19-8-402
    defined, 19-8-101
    interest and income, 19-8-501
    investment, 17-6-203, 17-6-211, 19-8-402, 19-8-403
    management, 19-8-402
    transfers to, 19-8-203
    unfunded liability, 19-8-504
  sources of moneys, 19-8-501
  taxation, exempt from, 19-8-805
  unassignable, 19-8-805
Highway Patrolmen's Retirement System, service credits transferred to, 19-6-305
Involuntary retirement benefits, 19-8-604
Membership
  compulsory, 19-8-301
  discrimination prohibited, 19-8-201
  ineligibility, 19-8-302
  military service, during, 19-8-304
  other systems, in, 19-8-302
  reentry, 19-8-405
  termination, 19-8-406
Municipal Police Officers' Retirement System, service credits transferred to, 19-9-405
Operation, See **Administration**
Optional retirement, See **Service retirement**, generally
Public Employees' Retirement Board
  administration of system, 19-8-201 — 19-8-203
  beneficiary, designation, 19-8-702
  benefits
    optional, 19-8-801
    payments
      erroneous, correction, 19-8-804
      refused when, 19-8-803
  contributions
    paid to, 19-8-501
    payments made by, when, 19-8-304
    refunds, interest paid when, 19-8-503
  death benefits, 19-8-703
  defined, 19-8-101
  disability retirement
    determination of disability, 19-8-711
    medical examinations, 19-8-711
  funds, management, See **Funds**, generally
  involuntary retirement benefit applications, 19-8-604
  membership, election of intent filed with, 19-8-302
  retirement account, management, 19-8-402
  service retirement, applications, 19-8-601
Public Employees' Retirement System
  membership in, 19-8-302
  service credits transferred to, 19-3-509
Records, falsification, 19-8-104
Retirement account, See **Funds**
Rules, 19-8-201
Service credits
  federal service, qualification, 19-8-307
  highway patrolmen's retirement system, transfers to, 19-6-305
  military service, 19-8-304
  multiple periods of service, effect, 19-8-305
  municipal police officers' retirement system, transfers to, 19-9-405
  other retirement systems, qualification, 19-8-306

GAME WARDENS' RETIREMENT SYSTEM (Continued)

- **Service credits** (Continued)
  - prior service, 19-8-303
  - public employees' retirement system, transfers to, 19-3-509
  - sheriffs' retirement system, transfers to, 19-7-309
- **Service retirement**
  - application, 19-8-601
  - benefits
    - computation, 19-8-603
    - early retirement, 19-8-602
    - increase, 19-8-603
    - involuntary retirement, 19-8-604
  - compulsory, when, 19-8-601
  - early retirement, 19-8-602
  - eligibility, 19-8-601
  - involuntary retirement benefits, 19-8-604
- **Sheriffs' Retirement System**, service credits transferred to, 19-7-309
- **Social security system**, separateness, 19-1-104
- **Termination**, 19-8-406
- **Violations**, 19-8-104
- **Workers' compensation benefits**, applicability, 19-8-103, 19-8-703

GAMMA RAYS

See **RADIOACTIVE SUBSTANCES**, generally

GARBAGE AND ASH COLLECTION DISTRICTS

See **COUNTIES**

GARBAGE AND GARBAGE DUMPS

See generally **JUNKYARDS**; **SOLID WASTE MANAGEMENT**; **WAST DISPOSAL**

GARBAGE FEEDERS

See **LIVESTOCK**

GARDENS AND GARDEN SEED

See generally **AGRICULTURAL SEEDS**; **HORTICULTURE**; **PUBLIC MARKETS**

GARNISHMENT

See also **ATTACHMENT OF PROPERTY**; **EXECUTION**

- **Annuity contracts subject to**, when, 33-15-514
- **Child support income deductions**, amount and priority, 40-5-309, 40-5-310
- **Exemptions from**
  - earnings of judgment debtor when, 25-13-614
  - fire department relief associations' benefits, 19-11-612
  - firefighters' unified retirement system benefits, 19-13-1004
  - fraternal benefit society benefits, 33-7-511
  - game wardens' retirement funds or benefits, 19-8-805
  - highway patrolmen's retirement funds or benefits, 19-6-705
  - judges' retirement funds or benefits, 19-5-704
  - police officers' retirement benefits, 19-9-1006, 19-10-504
  - public employees' retirement fund or benefits, 19-3-105
  - sheriffs' retirement funds or benefits, 19-7-705
  - teachers' retirement funds or benefits, 19-4-706

GARNISHMENT (Continued)

Insurance annuity contracts subject to, when, 33-15-514
Insurers
  lien obtained by, 33-2-1353
  liquidation, actions to forestall, 33-2-1345
  prevention when, 33-2-1309, 33-2-1386
Public officers, 27-18-406
  applicability of laws, 25-13-504
Railroads, freight line companies — seizure of property to satisfy license tax, 15-55-107
Secured transactions, transfer of debtor's rights by, 30-9-311
Service by publication, Title 25, chapter 20, M.R.Civ.P., Rule 4D
Small claims court, unavailable in, 25-34-202

GAS

See **GASOLINE AND PETROLEUM PRODUCTS; OIL AND GAS; UTILITIES**, generally

GASIFICATION, COAL — FACILITY SITING, Title 75, chapter 20

See **FACILITY SITING**

GASOHOL

See **GRAIN, Wheat research and marketing**, generally; **TAXATION, Gasoline and vehicle fuels**

GASOLINE AND PETROLEUM PRODUCTS

Administrative authority, 82-15-102
Adulteration, 82-15-110
Commerce, Department of
  enforcement authority, 82-15-102, 82-15-105
  injunction, 82-15-112
  laboratory for testing, employment by, 82-15-104
  licenses, authority, 82-15-105, 82-15-106
  measuring devices, approval and sealing, 82-15-108 — 82-15-110
  rulemaking authority, 82-15-102, 82-15-108, 82-15-109
  standards, determination, 82-15-103
  testing by, 82-15-107
Crimes, See **Unlawful acts**
Dealers
  defined, 82-15-101
  licenses, 82-15-105, See **Licenses and permits**
Definitions, 82-15-101
Delivery
  full, 82-15-109
  partial, 82-15-108
  records, 15-70-222
  reports to department of revenue, 15-70-209
Distributor's license, See **Licenses and permits**
Enforcement, 82-15-102, 82-15-105 — 82-15-107
Execution upon earnings when judgment debtor incurs debts for, 25-13-614
Fees, license, 82-15-105
Fire safety rules, 50-3-103
Gross volume, sales to be on, 30-12-409
Injunctions, 82-15-112, 82-15-204
Inspections, 82-15-107
Investigations, 82-15-107
Invoice requirements, 15-70-207
Labeling, 82-15-110
Laboratory for testing, 82-15-104

GASOLINE AND PETROLEUM PRODUCTS (Continued)

- **Licenses and permits**, See also **TAXATION**
  - dealers
    - denial, 82-15-106
    - fees, 82-15-105
    - required, 82-15-105
    - revocation, 82-15-106, 82-15-204
    - suspension, 82-15-106
  - distributors, See also **TAXATION, Gasoline and vehicle fuels**, gasoline license tax
    - issuance, 15-70-202
    - required, 15-70-201
    - revocation, 15-70-210
  - refund permit, 15-70-203
  - special fuels, dealers and users, See also **TAXATION, Gasoline and vehicle fuels**
    - application, 15-70-303, 15-70-330, 15-70-333
    - cancellation, 15-70-306, 15-70-307
    - definitions, 15-70-301
    - denial, 15-70-305
    - effective period, 15-70-305
    - issuance, 15-70-305
    - nontransferable, 15-70-305
    - required, 15-70-302
    - revocation, 15-70-306
    - security required, 15-70-304, 15-70-308
    - suspension, 15-70-306
    - temporary 30-day permit, 15-70-308
    - temporary trip permits, 15-70-311 — 15-70-314, 61-12-206
- **Measuring**, See **Weight and measure provisions**
- **Offenses**, See **Unlawful acts**
- **Off-road use**, refund of taxes, 15-70-221
- **Penalties**, See **Unlawful acts**
- **Pipelines**, See **PIPELINE CARRIERS**
- **Price**
  - discrimination
    - complaint, 82-15-205
    - damages, 82-15-207
    - definitions, 82-15-201
    - fraud, 82-15-203
    - injunction, 82-15-204
    - investigation, 82-15-204
    - justification of price, 82-15-203
    - license, revocation, 82-15-204
    - penalty, 82-15-206
    - prosecution, 82-15-205
    - purpose of provisions, 82-15-202
    - "standard petroleum product" defined, 82-15-201
    - unlawful, 82-15-203, 82-15-206
  - report to governor and legislature, 15-1-205
- **Production regulation not construed**, 82-11-305
- **Records**, 15-70-206, 15-70-207, 15-70-222
- **Resource indemnity trust tax**, See **TAXATION**
- **Rulemaking authority**, 82-15-103, 82-15-108, 82-15-109
- **Secured transactions**, See **SECURED TRANSACTIONS, Transmitting utilities**
- **Special fuels use**, See **Licenses and permits**; See also **TAXATION, Gasoline and veh cle fuels**
- **Standards for products**, 82-15-103, 82-15-110
- **Stationary engine use**, refund of taxes paid, 15-70-221
- **Taxation**, See **TAXATION**
- **Testing**, 82-15-103, 82-15-104, 82-15-107
- **Unlawful acts**
  - aviation gasoline, unlawful use, 15-70-231
  - dealer's license, disciplinary action, 82-15-106
  - enumerated, 82-15-110

GASOLINE AND PETROLEUM PRODUCTS (Continued)

Unlawful acts (Continued)
  gross volume, sales not on, 30-12-409
  injunction, 82-15-112
  investigation, 82-15-107
  penalties, 82-15-111
  price discrimination, 82-15-203, 82-15-206
  refund permits, violations, 15-70-203
  special fuels temporary trip permit, operation without, 15-70-314
Violations, See **Unlawful acts**
Weight and measure provisions
  full compartment sales, 82-15-109
  furnace and stove oil, 30-12-407
  gauge stick measurement unlawful, 82-15-108
  hose delivery, 82-15-110
  measuring devices, testing and sealing, 82-15-108 — 82-15-110
  partial delivery, 82-15-108
  rulemaking authority, 82-15-108, 82-15-110
  temperature correction, 30-12-409, 82-15-110

GASOLINE LICENSE TAX ACT, DISTRIBUTOR'S, 15-70-103, 15-70-104, 15-70-201 — 15-70-212, 15-70-221 — 15-70-226, 15-70-232

See **TAXATION, Gasoline and vehicle fuels**, gasoline license tax

GEMSTONES

See generally **MINES AND MINING; STATE LANDS, Mining leases; TAXATION, Mines, metal mines; Resource indemnity trust tax**

GEM STONES, STATE, 1-1-505

GENERAL ELECTION

See **ELECTIONS**

GENERAL RELIEF

See **PUBLIC ASSISTANCE**

GENERAL WARRANTY

See **PERSONAL PROPERTY, Covenants; REAL PROPERTY, Covenants running with the land**

GEOLOGIST, STATE, 20-25-301

GEOLOGY AND MINERAL INDUSTRIES

See generally **MINES AND MINING; OIL AND GAS**

GEOPHYSICAL EXPLORATION

See **SEISMOGRAPHY FOR GEOPHYSICAL EXPLORATION**

GEOTHERMAL RESOURCES AND EXPLORATION

Bottom-hole temperatures, availability for geothermal purposes, 82-11-125, 82-11-126

GEOTHERMAL RESOURCES AND EXPLORATION (Continued)

Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Injury caused by, statute of limitations, 27-2-303
Leases, See **STATE LANDS, Geothermal resource leases**

GERIATRICS

See **AGING AND AGED PERSONS; PHYSICIANS AND SURGEONS**, generally

GIFTED AND TALENTED CHILDREN PROGRAMS

See **SCHOOLS**

GIFTS

See **MINORS; PROPERTY**

GIFTS TO MINORS ACT, REVISED MONTANA UNIFORM, Title 72, chapter 26

See **MINORS, Gifts to**

GLACIER NATIONAL PARK

See **PARKS, National parks**

GLASS INSURANCE

See **INSURANCE — CASUALTY**, generally

GLENDIVE NURSING HOME

See also **DEVELOPMENTALLY DISABLED PERSONS, Eastmont Training Center**

Administrative authority, 53-20-504
Disposition, 53-20-505
Use, 53-20-503

GLIDERS

See **AERONAUTICS, Aircraft**, generally

GOATS

See generally **HERD DISTRICTS, Running at large within; LIVESTOCK, Dealers Hide dealers; Running at large; LIVESTOCK MARKETS**

GOLD

See also generally **MINES AND MINING; STATE LANDS, Mining leases; TAXATION, Mines, metal mines; Resource indemnity trust tax**

Execution, to satisfy, 25-13-501
Taxation, assessment of gold dust, 15-8-301, See also **TAXATION, Mines, metal mines Resource indemnity trust tax**

GOLDEN YEARS PASS, 23-1-105

GOLF COURSES

See **RECREATION, Municipalities; TAXATION**

GONDOLAS, Title 23, chapter 2, part 7
  See **TRAMWAYS**

GONORRHEA
  See **DISEASES, Venereal diseases**

GOOD ROADS DAY, 60-1-104

GOOD SAMARITAN LAW, 27-1-714, 37-3-103, 41-1-405

GOOD TIME ALLOWANCES
  See **PROBATION, PAROLE, AND CLEMENCY**

GOODWILL
  See **TRADE REGULATION AND COMPETITION**

GOPHERS
  See **RODENTS AND RODENT CONTROL**, generally

GOVERNMENT
  See **LOCAL GOVERNMENT; STATE GOVERNMENT**; See also **CITIES AND TOWNS; COUNTIES**

GOVERNOR
  See also generally **EXECUTIVE BRANCH; PUBLIC OFFICERS**

Accounting system improvement plans, copies submitted to, 17-1-102
Acting governor, 2-16-515, 2-16-521
Adjutant generals' assistants, approval of appointment, 2-15-1203
Administrative powers, 2-15-103
Advisory councils, creation and approval, 2-15-122
Agencies
  allocation by, when, 2-15-125
  property, disposition, 2-15-132
Air Pollution Control Advisory Council, appointments to, 2-15-2106
Alfalfa Leaf-Cutting Bee Advisory Committee, appointment of members, 2-15-3005
Alfalfa Seed Committee, appointment of members, 2-15-3004
Animals, importation prohibited by — when, 81-2-112
Annual reports to, See **Reports from other agencies**
Appointments by
  acting state officers, 10-2-227
  affidavits, commissioner to take in foreign state, 26-1-1004
  air pollution control advisory council, 2-15-2106
  alfalfa leaf-cutting bee advisory committee, members, 2-15-3005
  alfalfa seed committee, members, 2-15-3004
  appointees' eligibility for public employees' retirement system, 19-3-403
  approval by legislature, 5-5-301 — 5-5-303
  architects, board of — members, 2-15-1871
  arts council, members, 22-2-102, 22-2-103
  ballot issues, committee to prepare argument, 13-27-402
  banking board, state — members, 2-15-1803
  barbers, board of — members, 2-15-1856
  boards, quasi-judicial — members, 2-15-124

GOVERNOR (Continued)

Appointments by (Continued)
- budget director, 17-7-103
- chiropractors, board of — members, 2-15-1847
- coal board, members, 2-15-1821
- cosmetologists, board of — members, 2-15-1857
- county printing, board of — members, 2-15-1811
- crime control, board of — members, 2-15-2006
- dentistry, board of — members, 2-15-1842
- department heads, 2-15-111
- depositions, commissioner to take in foreign state, 26-1-1004
- detainers, coordinator for interstate agreement, 46-31-203
- developmental disabilities planning and advisory council, 2-15-2204
- directors of departments, 2-15-111
- discrimination allowed when, 49-2-308
- district court judge when, 13-16-503
- duty concerning, 2-15-201
- electrical board, state — members, 2-15-1874
- federal higher education programs, commission on — members, 2-15-1515
- fish and game commission members, 2-15-3402
- hail insurance, board of — members, 2-15-3003
- health and environmental sciences, board of — members, 2-15-2104, 50-1-302
- hearing aid dispensers, board of — members, 2-15-1850
- historical society, board of trustees, 22-3-104
- historic preservation officer, 2-15-1512
- horseracing, board of — members, 2-15-1881
- housing, board of — members, 2-15-1814
- human rights, commission for — members, 2-15-1706
- indian affairs, state coordinator of, 2-15-1813
- interstate compact on juveniles, compact administrator, 41-6-102
- judges and justices, 3-1-1001, 3-1-1010 — 3-1-1014, 10-2-227
- judicial nomination commission
  - members of, 3-1-1001
  - vacancy on commission, appointment to fill, 3-1-1003
- judicial standards commission members, 3-1-1101 — 3-1-1103
- labor appeals, board of — members, 2-15-1704
- landscape architects, board of — members, 2-15-1872
- legislative approval, 5-5-301 — 5-5-303
- legislators when, 13-16-503
- library commission, state — members, 22-1-101
- livestock, board of — members, 2-15-3102
- manner of, 2-16-203
- medical examiners, board of — members, 2-15-1841
- mental disabilities board of visitors, 2-15-211
- merit system council members, 2-15-1006
- militia officers, 10-1-201
- Montana arts council, members, 22-2-102, 22-2-103
- morticians, board of — members, 2-15-1853
- natural areas advisory council, 76-12-113
- natural resources and conservation, board of — members, 2-15-3302
- nominations by public and private sector, 37-1-132
- notaries public, 1-5-401
- nuclear compact, western interstate — board member, 90-5-202
- nursing, board of — members, 2-15-1844
- nursing home administrators, board of — members, 2-15-1845
- optometrists, board of — members, 2-15-1846
- pacific northwest electric power and conservation planning council members, 90-4-402
- personnel appeals, board of — members, 2-15-1705
- pharmacists, board of — members, 2-15-1843
- physical therapy examiners, board of — members, 2-15-1858
- plumbers, board of — members, 2-15-1875
- political practices, commissioner of, 13-37-102
- pork research and marketing committee members, 2-15-3103

GOVERNOR (Continued)

Appointments by (Continued)
  preservation review board members, 2-15-1512
  professional engineers and land surveyors, board of — members, 2-15-1873
  proprietary postsecondary educational advisory council, 2-15-1804
  psychologists, board of — members, 2-15-1851
  public accountants, board of — members, 2-15-1866
  public education, board of — members, 2-15-1507, 2-15-1508
  public employees' retirement board, members, 2-15-1009
  public employees' retirement system, appointees' eligibility, 19-3-403
  public officers when, 5-5-413
  public service commission members, when, 69-1-106, 69-1-113
  publishing policy committee, member, 2-15-1017
  radiologic technologists, board of — members, 2-15-1848
  rangeland resources committee members, 2-15-3305
  realty regulation, board of — members, 2-15-1867
  regents of higher education, board of — members, 2-15-1505, 2-15-1508
  representatives, state — when, 13-16-503
  representatives, u.s. — temporary appointment, 13-25-203
  reserved water rights compact commission members, 2-15-212
  retirement systems, appointees' eligibility, 19-3-403
  salary commission members, 2-16-401
  sanitarians, board of — members, 2-15-1861
  senators, state — when, 13-16-503
  senators, u.s. — temporary appointment, 13-25-202
  social and rehabilitation appeals, board of — members, 2-15-2203
  speech pathologists and audiologists, board of — members, 2-15-1849
  state tax appeal board members, 15-2-101
  supreme court justice when, 13-16-503
  teachers' retirement board, members, 2-15-1010
  uniform state laws, commission on — members, 1-12-101, 1-12-102
  university system local executive board members, 20-25-303
  u.s. representatives, temporary appointment, 13-25-203
  u.s. senators, temporary appointment, 13-25-202
  vacancies in public offices, to fill, 2-16-505, 2-16-506
  veterans' affairs, board of — members, 2-15-2202
  veterinarians, board of — members, 2-15-1852
    certificate of appointment, 37-18-201
  water and wastewater operators, board of — members, 2-15-2105
  water pollution control advisory council, 2-15-2107
  water well contractors, board of — members, 2-15-1862
  western interstate commission for higher education, commissioners, 20-25-802, 20-25-806
  wheat research and marketing committee members, 2-15-3002
  workers' compensation, division of — administrator, 2-15-1702
  workers' compensation judge, 2-15-1014

Appropriations
  expenditures, quarterly allotment system — authorization, 17-8-102
  insufficient, authorization for expenditure of second fiscal year appropriation, 17-7-301

Architects, Board of — appointments to, 2-15-1871

Attorney general, requests regarding, 2-15-201

Banking Board, State
  appointments to, 2-15-1803
  removal of members, 32-1-201

Barbers, Board of — appointments to or removal from, 2-15-1856

Boards
  mental disabilities board of visitors, See **MENTAL DISABILITIES BOARD OF VISITORS**
  quasi-judicial, appointment of members, 2-15-124

Budget
  director
    appointment, 17-7-103
    reports and duties, 17-1-131
  housing capital reserve account requests, 90-6-120

GOVERNOR (Continued)

Budget (Continued)
    long-range building program, inclusion, See **Long-range building program**
    officer, chief — as, 17-1-131, 17-7-103
    recommendations, 17-7-121, 17-7-123
    submission
        by budget director, 17-7-121
        to legislature, 17-7-122
    supplemental appropriation bills, requests for, 17-7-301
Buildings, See also **Long-range building program**
    construction, consent required when, 18-2-102
    repairs or alterations, emergency authorization when, 18-2-102
Capitol Building and Planning Committee, representation on, 5-17-101
Capitol, emergency relocation, 10-3-607
Chiropractors, Board of — appointments to or removal from, 2-15-1847
Civil defense, See **Emergency powers**
Claims for disbursements, transmittal to, 17-8-202
Clemency, See **Executive clemency**
Coal Board, appointments to, 2-15-1821
Commissions by, 2-16-204
Communications
    assistance, 2-17-302
    between governments, 2-15-201
Community development programs, coordination, 90-1-103
Consultants, private, See **STATE GOVERNMENT**
Convicts, escaped — rewards offered, 2-15-201
Corporation management, inquiries regarding, 2-15-201
Corrections
    commitment, designation of department of institutions to enter interstate contract 46-19-303
    parolee and probationer supervision, authorization to enter interstate compact, 46-23-1102
Cosmetologists, Board of — appointments to, 2-15-1857
Counties, new — proclamation of designation of attachment to judicial district, 7-2-2228
County Printing, Board of — appointments to, 2-15-1811
Crime Control, Board of
    appointments to, 2-15-2006
    designation, 44-4-301
Crime Control Commission, See **CRIME CONTROL, BOARD OF**, generally
Death penalty — pregnancy of defendant, satisfaction of termination, 46-19-204
Deeds, execution, 60-4-207, 87-1-209
Dentistry, Board of — appointments to or removal from, 2-15-1842
Department heads
    appointment by, 2-15-111
    duties concerning, 2-15-111, 2-15-112
Detainers, appointment of coordinator for interstate agreement, 46-31-203
Developmental Disabilities Planning and Advisory Council, appointments to, 2-15-22
Directors of departments, appointment by, 2-15-111
District courts
    appointment of judge when, 13-16-503
    substitute judge, request or order for, 3-5-111, 3-5-112
Driver License Compact, executive head, 61-5-404
Duties generally, 2-15-201
Earmarked revenue fund, approval for use of account reserves when, 37-3-314
Economic growth center, areas designated as, 60-3-231
Education, State Board of
    duties, 20-2-101
    member, 2-15-201
Elect, See **Governor-elect**
Election duties
    ballot issues
        certification of filing to, 13-27-308
        certification of votes to, 13-27-503
        committee to prepare arguments, appointment of member, 13-27-402

GOVERNOR (Continued)

Election duties (Continued)
    canvass report to, 13-15-507, 13-27-503
    certification of votes to, 2-15-401, 13-16-502, 13-27-503
    commissioner of political practices
        appointment and removal, 13-37-102
        reports to governor, 13-37-120
    commissions, issuance, 13-15-504
    congressional elections, issuance of certificates, 13-25-204
    constitutional convention, call for election for delegates, 13-26-102
    presidential electors, signing of list, 13-25-103
    proclamation, issuance, 2-16-622, 7-2-2709, 7-2-2712, 13-15-507
    recall elections, call, 2-16-622
    special elections called by, 2-16-622, 13-16-502, 13-26-102
    tie vote, duties, 13-16-502, 13-16-503
    vacancies prior to general election, declaration of acceptance period for nominations, 13-14-118
Election of, See also **ELECTIONS**, generally
    applicability of laws, 2-16-201, 13-25-201
    ballot
        placement, 13-12-207
        rotation, 13-12-205
    campaign contributions
        limitation, 13-37-216
        public, 13-37-302, See **ELECTIONS**, **Campaign finance**, public funding
    declaration of nomination, 13-10-201
    public funding, 13-37-302, See **ELECTIONS**, **Campaign finance**, public funding
    tie vote, 13-16-504
    vacancy of lieutenant governor candidacy, effect, 13-10-328
Electrical Board, State — appointments to, 2-15-1874
Embargo, interstate — against introduction of noxious weed seed, 80-7-701
Emergency powers
    air contaminant emissions, reduction or discontinuance — effect, 75-2-402
    capitol, relocation, 10-3-607
    commander-in-chief of militia during, 10-3-305
    debris removal, 10-3-315
    declaration of emergency, 10-3-104, 10-3-302, 10-3-303, 10-3-505, 20-9-802
        school elections, rescheduling, 20-20-108
        school pupil instruction days, effect on, 20-9-806
    disaster loans, 10-3-314
    duties generally, 10-3-104
    energy emergency, See **Energy emergency powers**
    enlistments, extension, 10-1-303
    expenditure authorization, 10-3-311, 10-3-312
    federal aid, acceptance, 10-3-203
    fire danger areas, closure of area to trespass, 87-3-106
    interstate compact, authority to enter, 10-3-204, 10-3-205
    loans, disaster, 10-3-314
    martial law, authority not limited, 10-3-102
    military personnel, extension of enlistment, 10-1-303
    mutual aid agreements, negotiation, 10-3-202
    postattack emergency, 10-3-501, 10-3-503, 10-3-505
    powers generally, 10-3-104
    proclamation, 7-31-2101, 10-3-104, 10-3-302 — 10-3-304, 10-3-313, 10-3-505
    resources management, 10-3-501, 10-3-503, 10-3-505
    temporary housing, arrangement for, 10-3-313
    vacancy in office, 10-3-602
    wreckage removal, 10-3-315
Endangered species' management programs, responsibility regarding, 87-5-108
Energy emergency powers
    alert, declaration, 90-4-309
    criteria for declaration of alert or emergency, 90-4-308
    curtailment plans, requirement and approval, 90-4-307

GOVERNOR (Continued)

Energy emergency powers (Continued)
    development of provisions, 90-4-304
    distributors, orders to, 90-4-314
    emergency, declaration or termination, 90-4-310
    enforcement, 90-4-310
    establishment, 90-4-301
    expenditures authorized, 90-4-318
    information gathering powers, 90-4-305
    orders, publication, 90-4-316
    reports to, 90-4-305
    rulemaking authority, 90-4-316
    subpoena power, 90-4-305
Environmental impact statements
    copies, availability, 75-1-201
    fees, collection, 75-1-206
Environmental Quality Council, ex officio member, 5-16-101
Environmental quality studies, reports, and recommendations, 75-1-324
Examiners, Board of — member, 2-15-201, 2-15-1007
Executive branch, review by, 2-7-103
Executive clemency
    advice to, 46-23-301
    authority, 46-23-103, 46-23-315
    decision of board of pardons to, 46-23-307
    final, when action is, 46-23-301
    recommendation to, 46-23-301, 46-23-307
    report to, by board of pardons, 46-23-301
    report to legislature, 46-23-316
Executive orders, 2-15-125, 2-15-137
Extradition
    authority, 2-15-201
    from another state
        application to, 46-30-401
        demand by, 46-30-402
        prosecution pending in other state, agreement for extradition before conclusio
            46-30-403
    nonsupport, duties respecting, 40-5-106, 40-5-107
    to another state
        absence from demanding state when crime committed, when, 46-30-204
        discretion, 46-30-202
        duty of governor, 46-30-201
        guilt of accused, may not inquire, 46-30-225
        investigation, call for, 46-30-212, 46-30-225
        involuntary departure from demanding state, when, 46-30-203
        prosecution pending in this state, discretionary authority, 46-30-202
        waiver, filing with, 46-30-228
        warrant
            alias, 46-30-214
            issuance, 46-30-213
            recall, 46-30-214
Federal aid, order to effectuate receipt, 2-15-137
Federal assistance programs
    acceptance of funds, 17-3-105
    agency for administering, designation, 17-3-105
    applications, approval or review, 17-3-104
    information regarding, 17-3-101
Federal Higher Education Programs, Commission on
    appointments to, 2-15-1515
    assignation of duties, 20-2-403
Federal moneys for schools, acceptance, 20-9-603
Federal waterfowl and wildlife area proposals, submission for review, 87-1-713
Fire danger areas, closure of area to trespass when, 87-3-106
Fire department relief associations, mishandling of funds reported to, 19-11-206

GOVERNOR (Continued)

Fish and Game Commission, appointments to, 2-15-3402
Fish, Wildlife, and Parks — Department of
    cooperative agreements on federally-owned land, approval, 87-1-703, 87-1-709
    land or water sales, execution of deed, 87-1-209
Good Roads Day, proclamation, 60-1-104
Governor-elect
    budget duties, 17-7-121
    staff and services provided, 2-15-221
Hail Insurance, Board of — appointments to or removal from, 2-15-3003
Hazardous waste management agreements, approval, 75-10-419
Health
    federal programs, request for, 50-1-202
    inspections at request of, 50-1-202
Health and Environmental Sciences, Board of — appointments to, 2-15-2104, 50-1-302
Hearing Aid Dispensers, Board of — appointments to, 2-15-1850
Highway construction reports, 60-2-202
Highways, Department of — execution of deed or patent for land sales by, 60-4-207
Highway traffic safety program, See **Traffic safety program**
Historical Society
    board of trustees, appointments, 22-3-104
    report to governor, biennial, 22-3-107
Historic Preservation Officer, appointment, 2-15-1512
Holidays designated by, 20-1-306
Horseracing, Board of — appointments to or removal from, 2-15-1881
Housing, Board of — appointments to, 2-15-1814
Housing, capital reserve account appropriations requests, 90-6-120
Human Rights, Commission for — appointments to, 2-15-1706
Immunity from liability, 2-9-113, See also **TORTS, Governmental entities**
Impeachment, subject to, Title 5, chapter 5, part 4, See **IMPEACHMENT**
Importation
    animals, prohibited by — when, 81-2-112
    noxious weed seed, interstate embargo, 80-7-701
Indian Affairs, State Coordinator of — appointment, 2-15-1813
Indian tribes, proclamation for state jurisdiction, 2-1-302, 2-1-306
Interstate Compact on the Placement of Children, executive head, 41-4-109
Ionizing radiation sources, federal-state agreements for, 75-3-203
Judicial Nomination Commission
    judicial appointment from list of nominees, 3-1-1011 — 3-1-1014
    members of commission to be appointed by, 3-1-1001
    nominees, list of — to be supplied to governor, 3-1-1001, 3-1-1010
    secretary, election of — notification to governor, 3-1-1006
    vacancy on commission, appointment to fill, 3-1-1003
Jurisdiction
    blackfeet highway, police — notification, 2-1-206
    fort peck dam territory, police or military — notification, 2-1-209
    glacier national park, police or military — notification, 2-1-205
    national park purposes, acceptance for lands dedicated to, 2-1-215, 2-1-216
Labor Appeals, Board of — appointments to, 2-15-1704
Land Commissioners, Board of
    member, 2-15-201
    president, as, 77-1-201
Landscape Architects, Board of — appointments to, 2-15-1872
Land warrants and patents, issuance, 2-15-201
Legislative Auditor, violations reported by, 5-13-304
Legislature
    appointment of legislators when, 13-16-503
    appointments, approval procedures, 5-5-301 — 5-5-303
    bills, action on, Title 5, chapter 4, part 3, See **LEGISLATURE, Governor**, action on bills
    reports to, 2-7-102, 2-7-103, 2-15-125
        executive clemency, 46-23-316
    special session, call for, 5-2-103, 5-3-101
Licensing coordination, designation of agency to administer, 30-16-201

GOVERNOR (Continued)

Lieutenant Governor, duties delegated to, 2-15-302, See also **LIEUTENANT GOVERNO**
Litigation involving state, 2-15-201
Livestock, Board of — appointments to, 2-15-3102
Livestock marks or brands, rerecording fees — emergency expenditure authorized b 81-3-107
Long-range building program, See also **Buildings**
  capital construction budget, preparation, 17-7-203
  submission
    by department of administration, 17-7-202
    to legislature, 17-7-203
Martial rule, 10-1-106, 10-3-102, See also **EMERGENCIES AND EMERGENC POWERS**, generally
Medical Examiners, Board of — appointments to or removal from, 2-15-1841
Mental Disabilities Board of Visitors, appointment by, 2-15-211, See also **MENTA DISABILITIES BOARD OF VISITORS**
Merit System Council, appointments to, 2-15-1006
Military affairs, See also **Emergency powers**
  commander-in-chief, as, 10-3-305
  department of, direction, 10-1-102
  enlisted members of militia
    extension of enlistment, 10-1-303
    retirement, 10-1-304
  home guard
    armories, state — make available, 10-1-703
    federal aid, requisition, 10-1-703
    organization, maintenance, and disbanding, 10-1-701
    rulemaking authority, 10-1-702
  martial rule, declaration, 10-1-106, 10-3-102
  officers of militia
    appointment, 10-1-201
    discharge, 10-1-205
    fitness examination, requirements and approval, 10-1-206
    resignation, 10-1-204, 10-1-205
    retirement, 10-1-203
  rules, authority to prescribe, 10-1-105
  state officers, acting — appointment, 10-2-227
  veterans
    appointment of "acting" state officers, 10-2-227
    federal reimbursement, 10-2-107
    reemployment applications, receipt of, 10-2-223
Montana Alfalfa Seed Committee, appointment of members, 2-15-3004
Montana Arts Council
  annual report, 22-2-106
  executive officers, appointment, 22-2-103
  members, appointment, 22-2-102
Morticians, Board of — appointments to, 2-15-1853
Motor pool provisions, applicability, 2-17-411
Motor vehicles, state-owned — emergency purchase, 2-17-403
Natural Resources and Conservation, Board of — appointments to, 2-15-3302
Notaries public
  appointment, 1-5-401
  commissions
    issuance, 1-5-405
    revocation, 1-5-404
Noxious weed seed introduction, interstate embargo, 80-7-701
Nuclear Compact, Western Interstate — appointment of board member, 90-5-202
Nuclear facilities, review of evacuation and medical aid plans concerning, 75-20-1204
Nursing, Board of — appointments to or removal from, 2-15-1844
Nursing Home Administrators, Board of — appointments to or removal from, 2-15-1845
Office, location, 2-16-111
Official acts, attestation, 2-15-401
Official records, See **PUBLIC RECORDS, Executive branch officers**

GOVERNOR (Continued)

Oil and Gas, Interstate Compact to Conserve
  authorization to enter, 82-11-301
  extension, authorization to enter agreements for, 82-11-303
  representative to commission, as, 82-11-304
  withdrawal time, determination, 82-11-303
Open-space lands, powers of public body exercised by, 76-6-109
Optometrists, Board of — appointments to, 2-15-1846
Parolees, entry into interstate compact for supervision, 46-23-1102
Patents, execution, 60-4-207
Personnel Appeals, Board of — appointments to, 2-15-1705
Pharmacists, Board of — appointments to or removal from, 2-15-1843
Physical Therapy Examiners, Board of — appointments to or removal from, 2-15-1858
Planning districts, funds to, 90-4-202
Plumbers, Board of — appointments to, 2-15-1875
Pork Research and Marketing Committee
  appointments to, 2-15-3103
  removal from, 81-8-604
Powers
  administrative, 2-15-103
  generally, 2-15-201
Preservation Review Board, appointment of members, 2-15-1512
Printing contracts, approval, 18-7-101
Probationers, entry into interstate compact for supervision, 46-23-1102
Proclamations
  animals, to prohibit importation when, 81-2-112
  capitol, relocation, 10-3-607
  counties, new — designation of attachment to judicial district, 7-2-2228
  elections, 2-16-622, 7-2-2709, 7-2-2712, 13-15-507
  emergency, 7-31-2101, 10-3-104, 10-3-105, 10-3-302 — 10-3-304, 10-3-313, 10-3-505
  good roads day, 60-1-104
  indian tribes, state jurisdiction, 2-1-302, 2-1-306
  martial rule, 10-1-106
  militia, extension of enlistment of enlisted members, 10-1-303
  noxious weed seed introduction, interstate embargo, 80-7-701
  postattack recovery or rehabilitation emergency, 10-3-505
  quarantines against insect pests and plant diseases, designation of localities in other states, 80-7-207
Professional Engineers and Land Surveyors, Board of — appointments to or removal from, 2-15-1873
Proprietary Postsecondary Educational Advisory Council, appointments to, 2-15-1804
Psychologists, Board of
  appointments to, 2-15-1851
  meetings requested by, 37-17-201
  recommendations made by, 37-17-202
Public Accountants, Board of — appointments to or removal from, 2-15-1866
Public Education, Board of
  appointments to, 2-15-1507, 2-15-1508
  meetings called by, 20-2-112
  member, 2-15-1507
Public Employees' Retirement Board, appointments to, 2-15-1009
Public participation in government, insurance of guidelines for, 2-3-103
Public Service Commissioners
  appointment, 69-1-106, 69-1-113
  suspension, 69-1-113
Publishing Policy Committee, designation of member, 2-15-1017
Purchasing, state — approval, 18-4-201, 18-4-213
Quarantines against insect pests and plant diseases
  in other states, designation of localities, 80-7-207
  within state, establishment, 80-7-208
Quo warranto, proceedings directed by, 27-28-103
Radiation sources, federal-state agreements for, 75-3-203
Radiologic Technologists, Board of — appointments to, 2-15-1848

GOVERNOR (Continued)

Rail passenger service applications, agreements for, 60-11-201
Rangeland Resources Committee, appointments to, 2-15-3305
Realty Regulation, Board of — appointments to, 2-15-1867
Reciprocal enforcement of support, duties respecting, 40-5-106, 40-5-107
Records, official, See **PUBLIC RECORDS, Executive branch officers**
Regents of Higher Education, Board of
  appointments to, 2-15-1505, 2-15-1508
  buildings, joint consent for construction required when, 18-2-102
  meetings called by, 20-2-112
  member, 2-15-1505
Renewable resource development
  grant recommendations to and approval by, 90-2-111
  loan recommendations to and approval by, 90-2-107
Report, biennial — preparation, 2-15-201
Reports from other agencies
  administration, department of, 2-18-102, 19-3-306
  agriculture, department of, 80-7-713
  attorney general, 2-15-501, 50-3-102
  biennial, to be, 2-7-102
  building and loan associations, annually by department of commerce, 32-2-306
  commerce, department of, 37-1-106, 37-15-202
  development credit corporations, annually made available by department of commerce 32-4-306
  duties regarding, 2-7-102
  energy supplies, 90-4-305
  executive clemency, 46-23-301
  fair practices, code of — annual reports required of all state agencies, 49-3-302
  filing, 2-7-102
  fire marshal, 50-3-102
  generally, 2-7-102
  highways, department of, 60-2-202
  historical society, 22-3-107
  law enforcement academy, annually by department of justice, 44-10-202
  law library, state — by board of trustees, 22-1-503
  Montana arts council, 22-2-106
  multistate tax commission, 15-1-601
  natural resources and conservation, department of, 76-11-203
  pardons, board of, 46-23-301
  political practices, commissioner of, 13-37-120
  publication, authorization, 2-7-102
  public employees' retirement system, annually by department of administration, 19-3-30 19-12-202
  revenue, director of, 2-7-104
  savings and loan associations, annually by department of commerce, 32-2-306
  secretary of state, 2-15-401
  special, required when, 2-15-201
  superintendent of public instruction, 20-3-105
  taxation, 2-7-104, 15-1-205, 15-1-601
  teachers' retirement board, biennial, 19-4-201
  uniform state laws, commission on — annual, 1-12-104
  workers' compensation division, annually, 19-12-202
Reports to legislature, See **Legislature**
Reserved Water Rights Compact Commission, attachment to and appointment, 2-15-21
Resignations, by and made to, 2-16-502, See also **PUBLIC OFFICERS, Vacancy in offic**
Revenue estimate reports submitted to, 2-7-104
Rewards offered by, 2-15-201
Salary, 2-16-405, See also **SALARIES, State officers**
Salary Commission, appointments to, 2-16-401
Sale of state property, approval, 18-6-101, 18-6-102
Sanitarians, Board of — appointments to, 2-15-1861
Schools, acceptance of federal moneys for, 20-9-603
Service of process upon as service upon state, Title 25, chapter 20, M.R.Civ.P., Rule 4

GOVERNOR (Continued)

- **Small business licensing coordination**, designation of agency to administer, 30-16-201
- **Social and Rehabilitation Appeals, Board of** — appointments to, 2-15-2203
- **Social security system**
  - federal-state agreements, 19-1-401, 19-1-824
  - higher education, institutions of — referendum procedures, 19-1-822, 19-1-823
  - referendum procedures, 19-1-301 — 19-1-304, 19-1-822, 19-1-823
- **Solid waste management plans**, submission to, 75-10-111
- **Sovereign immunity**, See **SOVEREIGN IMMUNITY**; **TORTS**, **Governmental entities**, immunity from liability
- **Speech Pathologists and Audiologists, Board of**
  - appointments to, 2-15-1849
  - recommendations by, 37-15-202
- **State lands**
  - certificates of purchase signed by, 77-2-327
  - patents, execution, 77-2-342
- **State Tax Appeal Board**
  - appointment of members, 15-2-101
  - chairman, designation, 15-2-103
- **Statewide classification and pay plans**, reports concerning, 2-18-102
- **Substate planning districts**, funds to, 90-4-202
- **Succession**
  - emergency, 10-3-602
  - to office, See **PUBLIC OFFICERS**
- **Supervision by**, 2-15-201
- **Support**, reciprocal enforcement — duties respecting, 40-5-106, 40-5-107
- **Supreme court justices**, appointment when, 13-16-503
- **Taxation**
  - biennial report, 15-1-205
  - consultation with department of revenue, 2-7-104, 15-1-204
  - reports from department of revenue, 2-7-104, 15-1-205
  - returns, order for disclosure, 15-31-507
  - state tax appeal board, appointment of members, 15-2-101
- **eachers’ Retirement Board**, appointments to, 2-15-1010
- **rts**, See **TORTS**, **Governmental entities**
- **affic safety program**
  - duties generally, 61-2-103
  - federal contracts, 61-2-104
  - local programs, approval, 61-2-105
- **ansportation**, furnished by division of motor vehicles, 44-1-104
- **avel expenses**, 2-18-501
- **niform State Laws, Commission on**
  - appointments to, 1-12-101, 1-12-102
  - reports by, 1-12-104
- **niversity system**
  - health inspections at request of, 50-1-202
  - local executive board members, appointment or removal, 20-25-303
- **.S. Representatives**, temporary appointment, 13-25-203
- **.S. Senators**, temporary appointment, 13-25-202
- **acancies in public offices**, appointments to fill, 2-15-201, 2-16-505, 2-16-506
- **acancy in governorship**, emergency, 10-3-602
- **hicle Equipment Safety Compact**, executive head, 61-2-209
- **terans**, See **Military affairs**
- **terans’ Affairs, Board of** — appointments to, 2-15-2202
- **terinarians, Board of** — appointments to or removal from, 2-15-1852
  - certificate of appointment, 37-18-201
- **sitors, Board of**, See **MENTAL DISABILITIES BOARD OF VISITORS**
- **ater and Wastewater Operators, Board of** — appointments to, 2-15-2105
- **ter Pollution Control Advisory Council**, appointments to, 2-15-2107
- **ter Well Contractors, Board of** — appointments to, 2-15-1862
- **stern Interstate Commission for Higher Education**, appointment of commissioners, 20-25-802, 20-25-806
- **stern Regional Higher Education Compact**, notice regarding, 20-25-802

GOVERNOR (Continued)

Wheat Research and Marketing Committee, appointments to or removal from, 2-15-3002
Workers' Compensation, Division of — appointment of administrator, 2-15-1702
Workers' compensation judge, appointment by, 2-15-1014

GOVERNOR-ELECT

See **GOVERNOR**

GRADES

See **TRADE REGULATION AND COMPETITION**, **Weights, measures, an grades**

GRADE SCHOOLS

See **SCHOOLS**, **Elementary schools**; See also **PRIVATE SCHOOLS**, generally

GRAFT

See **CRIMES**, **Bribery**; **Public officers and employees**

GRAIN

Aerial spraying for crops, See **INSECTS AND INSECT CONTROL**, **Contro programs**, generally; **PESTS AND PESTICIDES**, **Applicators**; See also **LIENS Crop dusting, liens for**
Agriculture, Department of
- appeals to
  - dockage, concerning, 80-4-228
  - grades, concerning, 80-4-121, 80-4-228
  - warehousemen, when, 80-4-117
- complaints filed with, 80-4-106
- dockage
  - disputes concerning, 80-4-228
  - rules for, 80-4-112, 80-4-221
- earmarked revenue fund
  - fees and charges, deposit, 80-4-119
  - investment, 80-4-119
- grades
  - disputes concerning, 80-4-228
  - standard, establishment, 80-4-111
  - warehousemen, copies to, 80-4-221
- grain cars, seals, 80-4-115
- hearings, 80-4-121
- injunction, petition for — when, 80-4-208
- inspection points, designation, 80-4-102, 80-4-105
- inspections
  - dispute, grain in — for, 80-4-228
  - fees set by, 80-4-119
  - merchandisers, premises and records, 80-4-209
  - sample, rules for, 80-4-112
- inspectors
  - assignment to inspection points, 80-4-105
  - misconduct, investigation, 80-4-106
  - provision for, 80-4-102
- laboratory, protein testing — establishment, 80-4-116
- merchandisers
  - bond requirements, 80-4-205
  - injunction to halt merchandising when, 80-4-208
  - insurance, approval, 80-4-206

GRAIN (Continued)

Agriculture, Department of (Continued)
- merchandisers (Continued)
  - licenses
    - requirements generally, 80-4-202
    - suspension or revocation, 80-4-203, 80-4-222
  - nonresident, copy of designation for resident agent, 80-4-204
  - report requirements, 80-4-209
- pooling of grain, complaint to, 30-14-224
- protein testing laboratory, establishment, 80-4-116
- samplers
  - misconduct, investigation, 80-4-106
  - provision for, 80-4-102
- samples
  - disposition, 80-4-114
  - inspections, rules for, 80-4-112
- testing fees set by, 80-4-119
- warehousemen
  - disposal of grain, notice requirements, 80-4-231
  - grades and rules, copies to, 80-4-221
  - insurance, approval, 80-4-206
  - rates, adoption and publication, 80-4-222
- warehouse receipts
  - forms and rules for, 80-4-224
  - holders, protection, 80-4-234
- weighers
  - license requirements, 80-4-104
  - misconduct, investigation, 80-4-106
  - provision for, 80-4-102
- weighing fees set by, 80-4-119
- wheat and barley research and marketing
  - assessments
    - allocation, 80-11-221, 80-11-223
    - payment to, 80-11-207
    - refunds, 80-11-207
  - committee, assessment of costs, 80-11-224
  - contracts and agreements, 80-11-222
  - employees, bond requirements, 80-11-209
  - gifts, grants, or donations — acceptance, 80-11-208
  - invoices, form, 80-11-207
  - powers generally, 80-11-222
  - purchasers, sworn statements — filing, 80-11-207
  - research generally, 80-11-202

Barberry control, See **HORTICULTURE**

Barley, research and marketing, See **Wheat research and marketing**

Boxcars, See **Cars**; See also **RAILROADS, Boxcars**

Cars, See also **RAILROADS, Boxcars**
- examination at destination, 80-4-115
- seals, 80-4-115
- weighing, 80-4-115
- weight certificate, condition included in, 80-4-120

Coloration, See **Treated grain**

Definitions, 80-4-101, 80-4-201

Disease control, See **INSECTS AND INSECT CONTROL, Control programs**

Dockage
- dispute regarding, 80-4-228
- inspector's certificate, amount included in, 80-4-120
- investigation, 80-4-102
- rules governing, 80-4-112, 80-4-221

Elevators, See **Public warehouses**

Execution, exemption, 25-13-612

Grades and grading
- appeals from, 80-4-121

GRAIN (Continued)

- **Grades and grading** (Continued)
  - dispute regarding, 80-4-228
  - inspector's certificates, See **Inspectors**
  - investigation, 80-4-102
  - modification when, 80-4-121
  - standard, establishment, 80-4-111
  - warehousemen, copies to, 80-4-221
- **Grain cars**, See **Cars**; See also **RAILROADS**, **Grain cars**
- **Hail insurance for**, See **HAIL INSURANCE**, generally
- **Insect pests**, See **INSECTS AND INSECT CONTROL**, **Control programs**
- **Inspection points**, designation, 80-4-102, 80-4-105
- **Inspections**
  - expenditures for, 80-4-105
  - fees, 80-4-119
  - grain cars, See **Cars**
  - merchandisers, premises and records, 80-4-209
  - samples, of, See **Samples**
  - special, 80-4-113
- **Inspectors**
  - certificates, 80-4-113, 80-4-120
  - conflict of interest, 80-4-103
  - districts, visitation, 80-4-102
  - duties generally, 80-4-105
  - enforcement by, 80-4-102
  - misconduct, penalty, 80-4-106
  - qualifications, 80-4-103
  - records, 80-4-120
  - warehouse receipts, allowing unlawful issuance, 80-4-225
- **Laboratories**
  - grain and seed, See **MONTANA STATE UNIVERSITY**, **Grain and seed laboratory**
  - protein testing, 80-4-116
- **Liens on**, See **LIENS**
- **Marketing**, See **Wheat research and marketing**
- **Merchandisers**, See also **Warehousemen**
  - bond requirements, 80-4-205, 80-4-208, 80-4-234
  - certificate of authority, 80-4-202
  - injunction to halt merchandising, when, 80-4-208
  - inspections, 80-4-209
  - insurance requirements, 80-4-206
  - licenses
    - bond requirements, 80-4-205, 80-4-208
    - exemptions, 15-57-102, 80-4-202
    - fees, 80-4-202
    - lack of, remedy, 80-4-208
    - nonissuance when, 80-4-206
    - requirements generally, 80-4-202
    - suspension or revocation, 80-4-203, 80-4-222
  - nonresident licensees, agent for, 80-4-204
  - report requirements, 80-4-209
  - vehicles, licensing, 80-4-202
  - violation and penalty, 80-4-207
- **Mills**, See **Public warehouses**
- **Montana Wheat Research and Marketing Committee**, See **Wheat research and marketing**, committee
- **Noxious weeds**, See **WEEDS AND WEED CONTROL**, **Noxious plant management**
- **Owners**
  - loading and billing instructions, 80-4-227
  - protein testing of wheat and appeals therefrom, 80-4-117
  - storage contracts, See **Storage**, contracts
  - warehouse receipts, See **Warehouse receipts**
- **Pesticides Act**, Title 80, chapter 8, See **PESTS AND PESTICIDES**
- **Pooling unlawful**, 30-14-216, 30-14-224

GRAIN (Continued)

Protein testing, See also **Tests**
    fees, 80-4-119
    wheat samples, 80-4-117, 80-4-118
Protein testing laboratory, 80-4-116
Public warehouses
    certificates, weight and inspection — availability, 80-4-120
    delivery of grain from different warehouse, 80-4-232
    designation of grain delivered to, 80-4-226
    grades and rules, posting, 80-4-221
    kind and quality of grain to be delivered on return of receipt, 80-4-227
    pooling unlawful, 30-14-216, 30-14-224
    railroad rights-of-way, construction on, See **RAILROADS**, **Grain elevators or warehouses**
    toxic chemicals, delivery of grain containing — unlawful, 80-4-122, 80-4-123
Railroad cars, See **Cars**; See also **RAILROADS**, **Boxcars**
Samplers
    conflict of interest, 80-4-103
    enforcement by, 80-4-102
    misconduct, penalty, 80-4-106
    records, 80-4-120
Samples
    dispute, grain in — for, 80-4-228
    generally, 80-4-114
    inspection, rules for, 80-4-112
    property of state, 80-4-114
    protein tests, See **Protein testing**
Seeds, See **AGRICULTURAL SEEDS**, generally
Standards, generally, Title 80, chapter 4, part 1
Storage
    contracts, termination
        evidence of, 80-4-229
        sale of grain for charges, when, 80-4-230
    generally, See **Public warehouses**
Tests, See also **Protein testing**
    dispute, grain in — for, 80-4-228
    fees, 80-4-119
Transportation, See **Cars**; See also **RAILROADS**, **Boxcars**
Treated grain
    coloration, 80-4-124, 80-4-126
    delivery to warehouse, unlawful, 80-4-122, 80-4-123
    sale or offering for sale prohibited, 80-4-125, 80-4-126
Violations
    grain cars, seals broken or weighing of — when, 80-4-115
    inspectors, misconduct, 80-4-106
    merchandisers
        inspections, refusal or resistance, 80-4-209
        reports, refusal to make or falsification, 80-4-209
        violation of provisions generally, 80-4-207
    protein testing of wheat, violation of provisions for, 80-4-118
    samplers, misconduct, 80-4-106
    treated grain
        coloration, lack of, 80-4-124, 80-4-126
        delivery to warehouse, 80-4-122, 80-4-123
        sale or offering for sale, 80-4-125, 80-4-126
    warehousemen, discriminatory charges by, 80-4-223
    warehouse receipts, unlawful issuance, 80-4-225
    weighers
        license, failure to have, 80-4-104
        misconduct, 80-4-106
    wheat research and marketing provisions, violation generally, 80-11-211
Warehousemen, See also **Merchandisers**; **Weighers**
    appeals by, 80-4-117

GRAIN (Continued)

Warehousemen (Continued)
  bailment, possession considered as — when, 80-4-233
  charges by
    discrimination prohibited, 80-4-223
    rates, 80-4-222
  disposal of grain forbidden when, 80-4-231
  grades and rules, copies to and posting, 80-4-221
  insurance requirements, 80-4-206
  liability to owners, 80-4-227
  receipts issued by, See **Warehouse receipts**
  receiving and storage of grain, discrimination prohibited, 80-4-224
Warehouse receipts
  holders
    prior right to grain, 80-4-233
    protection, 80-4-234
  issuance, 80-4-224, 80-4-230
  return of, kind and quality of grain to be delivered upon, 80-4-227
  storage contract, termination date evidenced by, 80-4-229
  unlawful issuance, penalty, 80-4-225
Warehouses, See **Public warehouses**
Weed control, See **WEEDS AND WEED CONTROL, Noxious plant management**
Weighers, See also **Warehousemen**
  certificates, 80-4-120
  conflict of interest, 80-4-103
  enforcement by, 80-4-102
  licensing, 80-4-104
  misconduct, penalty, 80-4-106
  records, 80-4-120
Weighing
  expenditures for, 80-4-105
  fees, 80-4-119
  investigation, 80-4-102
Wheat research and marketing
  account
    assessments, deposit, 80-11-207, 80-11-210
    committee members' compensation, payment from, 80-11-203
    gifts, grants, or donations — deposit of proceeds, 80-11-210
    investment of funds from, 80-11-210
    reversion of moneys to, 80-11-223
    use, 80-11-210
  administration of provisions, 80-11-205
  alcohol byproducts and feeds and foods derived from, 80-11-222
  assessments on wheat and barley, 80-11-206
    allocation, 80-11-221, 80-11-223, 80-11-224
    amount, 80-11-223, 80-11-224
    employees handling, bond requirements, 80-11-209
    payment, 80-11-207
    refund, 80-11-207
  committee
    allocation, 2-15-3002
    assessment, amount set by, 80-11-223, 80-11-224
    chairman, 80-11-204
    compensation and per diem, 80-11-203
    composition, 2-15-3002
    cost of services, assessment for, 80-11-224
    defined, 80-11-201
    disqualification, 2-15-3002
    meetings, 80-11-204
    money allocated to, 80-11-224
    powers, 80-11-205
    removal from office, 2-15-3002

GRAIN (Continued)

Wheat research and marketing (Continued)
  committee (Continued)
    term of office, 2-15-3002
    vacancies, 2-15-3002
  contracts or agreements regarding, 80-11-205, 80-11-222
  definitions, 80-11-201
  enforcement, 80-11-205
  gifts, grants, or donations, 80-11-208
  growers
    assessments, 80-11-206
      refund procedures, 80-11-207
    defined, 80-11-201
    invoices, delivery to, 80-11-207
  policy regarding, 80-11-202
  purchaser's delivery of invoices, 80-11-207
  research generally, 80-11-205
  violation of provisions regarding, 80-11-211

GRAIN AND SEED LABORATORY, MONTANA

  See **MONTANA STATE UNIVERSITY**

GRAIN ELEVATORS OR MILLS

  See **GRAIN**, **Public warehouses**, generally

GRAND JURY

  See **CRIMINAL PROCEDURE**; **JURIES AND JURORS**

GRAND LARCENY

  See **CRIMES**, **Theft**

GRANT-KOHRS NATIONAL HISTORIC SITE

  See **PARKS**

GRANTS

Air quality, for, 75-2-112
Beef research, 81-8-803
Conservation districts, 76-15-404, 76-15-530
Cultural and aesthetic projects, for, 22-3-112
Defined, 70-1-507
Discrimination in distribution prohibited, 49-3-206
Facility siting, for, 75-20-111
Federal, See **STATE FINANCE**, **Federal assistance**, generally; **STATE LANDS**
Institutions, to, See **INSTITUTIONS**, **Endowments**, generally
Investment of, See **INVESTMENTS, BOARD OF**, generally
Land, See **DEEDS AND CONVEYANCES**; **INSTITUTIONS**, **Endowments**, generally
Montana folklife project, 22-2-204
Montana State University agricultural experiment station, 20-25-231
Notaries public, execution by, 1-5-416
Open-space lands, for, 76-6-109
Planning boards, acceptance by, 76-1-408
Property, See **DEEDS AND CONVEYANCES**
Public Education, Board of — acceptance by, 20-31-401
Real property, See **DEEDS AND CONVEYANCES**
Schools, to, See **SCHOOL FINANCE**

GRANTS (Continued)

Solid waste management, for, See **SOLID WASTE MANAGEMENT**
State government grants, audits, 5-13-304
Subdivision plats, grants to public included in, 76-3-307
University system, See **UNIVERSITY SYSTEM**
Water quality, for, 75-5-502, 75-5-503

GRAPES

See **FOOD AND FOOD PRODUCTS, Montana quality label**, generally

GRASS CONSERVATION ACT, Title 76, chapter 16

See **GRAZING DISTRICTS**, generally

GRASSES AND GRASS SEED

See **AGRICULTURAL SEEDS**, generally

GRASSHOPPERS

See **INSECTS AND INSECT CONTROL**, generally

GRASS, STATE, 1-1-506

GRATUITOUS DEPOSIT

See **BAILMENT AND BAILEES**

GRAVEL

See also generally **MINES AND MINING; STATE LANDS, Nonmetallic mineral leases**

Weighing provisions, 30-12-301

GRAVEYARDS

See **CEMETERIES; MAUSOLEUMS AND COLUMBARIUMS**

GRAVEYARDS FOR MOTOR VEHICLES

See **JUNKYARDS; MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES**

GRAZING

Conservation districts, See **CONSERVATION DISTRICTS**
Districts, See **GRAZING DISTRICTS**
Fences, effect when land used for grazing, 70-16-205
Highways, livestock on, See **HIGHWAYS, Livestock**
Land, erosion control, See **CONSERVATION DISTRICTS**, generally
Leases on state lands, See **STATE LANDS, Agricultural, grazing, and city lot leases**
Livestock, permits for moving, See **LIVESTOCK MARKS AND BRANDS, Transportation permits**
Railroads, along, See **RAILROADS, Livestock**
Rangelands, See **RANGELAND RESOURCES**, generally

GRAZING (Continued)

Soil conservation districts, See **CONSERVATION DISTRICTS**
State lands, See **STATE LANDS, Agricultural, grazing, and city lot leases; Classification; Development**

GRAZING DISTRICTS

Actions
  involvement, 76-16-324
  trespass, applicability of preference provisions, 76-16-415
  trespassing livestock, recovery of damages, 76-16-311, 76-16-314
Administrative procedure, applicability, 76-16-110
Agreements
  consent for, 76-16-105
  management of land, for, 76-16-306
Alteration, 76-16-209
Animal unit
  assessments based upon, 76-16-323
  defined, 76-16-103
  fees based upon, 76-16-106
  trespassing livestock, charge for care and feeding, 76-16-311
Appeal procedure, 76-16-109
Articles of incorporation, See **Incorporation**
Assessments
  amount, determination, 76-16-323
  defined, 76-16-103
  fence maintenance, for, 76-16-320
  nonpayment, 76-16-412
Assets
  dissolution, distribution upon, 76-16-212
  equalization, 76-16-414
  mortgages, when, 76-16-323
Beaver control, 76-16-107
Borrowing money, 76-16-323
Boundaries
  changes, 76-16-207, 76-16-209
  livestock owners, responsibilities, 76-16-309
  map or plat, filing, 76-16-207
Bylaws, 76-16-206
  adoption, 76-16-208
Citation of Grass Conservation Act, 76-16-101
Commensurate property, See also **Dependent commensurate property**
  defined, 76-16-103
  owners, incorporation procedures
    articles of, filing, 76-16-204
    statement for, 76-16-201
  preferences, distribution, 76-16-401
Compliance with departmental orders, 76-16-325
Construction projects affecting streams, See **RIVERS AND STREAMS, Streambed protection**
Creation, See **Incorporation**
Damages sustained by, See **Trespassing livestock**
Definitions, 76-16-103
Dependent commensurate property, See also **Commensurate property**
  defined, 76-16-103
  preferences, distribution, 76-16-401
  rating, 76-16-306
  temporary permittee lands converted to, 76-16-402
Directors, See also **Officers**
  dissolution
    assets, distribution, 76-16-212
    final report, 76-16-213
  liability, 76-16-319

GRAZING DISTRICTS (Continued)

- **Directors** (Continued)
  - orders, compliance, 76-16-325
  - powers and duties, 76-16-301
  - preferences, transfer applications, 76-16-407
  - records, submission, 76-16-105
  - removal, 76-16-325
  - state land appraisals, information for, 77-6-201
  - stream alteration or modification projects, See **RIVERS AND STREAMS**, **Streambed protection**
  - transfers of land, determination of rights and interest involved, 76-16-304
- **Dissolution**
  - assets, distribution, 76-16-212
  - final report, 76-16-213
  - hearing and notice, 76-16-211
  - order for, 76-16-213
  - request for, 76-16-210
- **Equipment**, acquisition and disposal, See **Property**, generally
- **Establishment**, See **Incorporation**
- **Expenses**, 76-16-105, 76-16-106, 76-16-323
  - noncomplying districts, 76-16-325
  - preferences, transfer, 76-16-406
- **Fees**, 76-16-106, 76-16-323, 76-16-409
  - membership, 76-16-204
  - nonpayment, 76-16-412
  - stock driven through range, for, 76-16-308
- **Fences**
  - acquisition or construction, 76-16-305
  - farming land, requirements, 76-16-322
  - maintenance, 76-16-320
  - remedies, provisions concerning, 76-16-321
  - usage of land, 70-16-205
- **Finances**, 76-16-323
- **Financial reports**, 76-16-105
- **Fish, Wildlife, and Parks — Department of**, wildlife protection within district, 76-16-107
- **Forms**, 76-16-105
- **Grass Conservation Act**
  - citation, 76-16-101
  - purpose, 76-16-102
- **Hearings**
  - appeals, review of records for, 76-16-109
  - boundary changes, for, 76-16-207
  - department, by, 76-16-105
  - dissolution, for, 76-16-211
  - incorporation, for, 76-16-201, 76-16-202
  - merger, for, 76-16-209
  - orders, noncompliance — regarding, 76-16-325
  - preferences, transfer — for, 76-16-407
  - subdivision, for, 76-16-209
- **Improvements**, See **Range**
- **Incorporation**
  - articles of, 76-16-204
    - amendment, 76-16-206
  - certificate of approval, 76-16-203, 76-16-206
  - certificate of incorporation, 76-16-205
  - hearing for approval, 76-16-201, 76-16-202
  - notice, 76-16-202, 76-16-206
  - statement for, 76-16-201
  - term, 76-16-204
- **Land**, See **Property**, generally
- **Livestock**
  - grazing within, regulation, 76-16-308
  - owners, boundary responsibilities, 76-16-309

GRAZING DISTRICTS (Continued)

Livestock (Continued)
  running at large or in herd, permit requirement, 76-16-310
  trespassing, See **Trespassing livestock**
Management of lands, 76-16-301, 76-16-306
Map or plat, filing, 76-16-207
Membership
  fees, See **Fees**
  limitations, 76-16-302
  permittee members, See **Permittees**
  transfer of land, effect, 76-16-304
Merger, 76-16-209
Natural Resources and Conservation, Board of
  appeals to, 76-16-109
  boundary changes, approval, 76-16-207
  defined, 76-16-103
  dissolution
    hearing and notice, 76-16-211
    order for, 76-16-213
    request for, 76-16-210
  hearings, 76-16-211, 76-16-325, 76-16-407
  incorporation
    certificate of approval, issuance, 76-16-203
    hearing records and reports, submission, 76-16-202
  merger, approval, 76-16-209
  order, departmental — hearing regarding noncompliance, 76-16-325
  subdivision, approval, 76-16-209
  witnesses, 76-16-105
Natural Resources and Conservation, Department of
  advisory capacity, 76-16-104, 76-16-107
  appeal procedures, 76-16-109
  beaver control, 76-16-107
  borrowing money, approval, 76-16-323
  boundary changes, hearing, 76-16-207
  bylaws, approval, 76-16-208
  citations, issuance, 76-16-105
  defined, 76-16-103
  dissolution
    assets, approval for distribution, 76-16-212
    final report, 76-16-213
    notice, filing, 76-16-211
  expenses, 76-16-105, 76-16-106
  fees, 76-16-106
  forms, preparation and standardization, 76-16-105
  hearings, 76-16-105, 76-16-201, 76-16-207, 76-16-209
  incorporation
    articles of
      amendment, approval, 76-16-206
      prescribed by, 76-16-204
    hearing for approval, 76-16-201, 76-16-202
    statement for, 76-16-201
  investigations, 76-16-105
  merger, hearing for, 76-16-209
  orders, compliance, 76-16-325
  powers, 76-16-105
  preferences, approval for transfer, 76-16-406
  range improvements, value fixed by, 76-16-410
  records, submission, 76-16-105
  regulation by, 76-16-301
  role, 76-16-104
  state land lease requirements, 76-16-307
  subdivision, hearing for, 76-16-209

GRAZING DISTRICTS (Continued)

Natural Resources and Conservation, Department of (Continued)
    transfers of land, approval of rights and interest involved, 76-16-304
    witnesses, 76-16-105
Notices
    articles of incorporation, amendment, 76-16-206
    assets, sale, 76-16-212
    dissolution hearing, 76-16-211
    incorporation hearings, 76-16-202
    preferences
        revocation, 76-16-412
        transfer hearings, 76-16-407
    receipt, what constitutes, 76-16-111
    trespassing livestock, regarding, 76-16-311, 76-16-315, 76-16-316
Officers, 76-16-204, See also **Directors**
    county planning boards, members, 76-1-211
    liability, 76-16-319
    records, submission, 76-16-105
    secretary
        appeal procedures, 76-16-109
        preference transfer applications, notice, 76-16-407
    state land leases, 76-16-307
Official acts, liability, 76-16-319
Permits, See also **Preferences, grazing**
    defined, 76-16-103
    failure to obtain, 76-16-412
    nonuse, 76-16-409, 76-16-412
    owners of land not controlled by district, to, 76-16-411
    reduction, 76-16-403
    running at large or under herd, for, 76-16-310
    size, determination, 76-16-306
    temporary, 76-16-401, 76-16-402
        reduction, 76-16-403
Permittees
    assessments, See **Assessments**
    designation, 76-16-302
    dissolution
        assets, distribution, 76-16-212
        request for, 76-16-210
    notices, receipt — what constitutes, 76-16-111
    reserves, refunds from, 76-16-414
    temporary permit lands, conversion, 76-16-402
    voting rights, 76-16-303
Plat or map, filing, 76-16-207
Powers generally, 76-16-204, 76-16-206, 76-16-301
Preferences, grazing, See also **Permits**
    application, 76-16-404
    appurtenances, when, 76-16-405
    assets, payment of value, 76-16-414
    defined, 76-16-103
    distribution, 76-16-401
    nature of, 76-16-108
    revocation, 76-16-409, 76-16-412
        effect, 76-16-413
    size, determination, 76-16-306
    temporary permittees, 76-16-402
    transfer, 76-16-406
        application, 76-16-407
        effect, 76-16-408
    trespass actions, applicability of provisions, 76-16-415
    underlying property, transfer, 76-16-409
Property
    acquisition and disposal, 76-16-305

GRAZING DISTRICTS (Continued)

Property (Continued)
  commensurate, See **Commensurate property**
  dependent commensurate, See **Dependent commensurate property**
  dissolution of district, distribution of assets, 76-16-212
  management, 76-16-306
Purpose of provisions, 76-16-102
Range
  carrying capacity and allotment, 76-16-306
  defined, 76-16-103
  improvements, compensation, 76-16-410
  management, 76-16-306
  stock driven through, regulation, 76-16-308
  wild game animals, for, 76-16-107
Records, 76-16-105
Reports, 76-16-105
Reserve fund, 76-16-323, 76-16-414
Reserves, 76-16-414
Riders, 76-16-306
Rights, See **Preferences, grazing**
Secretary, See **Officers**
Short title, 76-16-101
State Lands, Department of
  advisory capacity, 76-16-103
  leases, requirements, 76-16-307
State lands, lease requirements, 76-16-307
Stock, See **Livestock**
Stream alteration or modification projects, See **RIVERS AND STREAMS, Streambed protection**
Subdivision, 76-16-209
Supplies, acquisition and disposal, See **Property**, generally
Taylor Grazing Act
  cooperation with, 76-16-102
  moneys from, 17-3-221, 17-3-222
Trespassing livestock
  control, 76-16-311
  damages by
    excess charge, recovery, 76-16-314
    liability, 76-16-310
    owners of land not controlled by district, entitlement when, 76-16-411
    security for payment, 76-16-311
  impoundment, 76-16-312
  person responsible for, inability to locate — procedures, 76-16-315
  preference provisions, applicability to violations, 76-16-415
  release of livestock, 76-16-313
  remedies, provisions regarding, 76-16-321
  sale, 76-16-316
    proceeds, disposition, 76-16-317
  unlawful recovery, 76-16-318
Violations
  livestock running at large or in herd without permit, 76-16-310
  rules generally, 76-16-412
  trespass, applicability of preference provisions, 76-16-415
  trespassing livestock, unlawful recovery, 76-16-318
Voting rights of members, 76-16-303
Wildlife protection within, 76-16-107

GREASE

See **GASOLINE AND PETROLEUM PRODUCTS**

GREENBELT LAW, Title 15, chapter 7, part 2

See **TAXATION, Agricultural land**

GRENADES

See **EXPLOSIVES**, generally

GRIZZLY BEARS

See **FISH AND GAME LICENSES AND PERMITS, Hunting licenses; FISH AND WILDLIFE, Game animals**

GROCERY STORES

See **RETAIL ESTABLISHMENTS**

GROSS PROCEEDS TAXES

See **TAXATION**

GROSS VEHICLE WEIGHT

See **MOTOR VEHICLES, Gross vehicle weight fees**

GROUND SQUIRRELS

See **RODENTS AND RODENT CONTROL**, generally

GROUNDWATER

See **WATER**

GROUP HOMES

See **DEVELOPMENTALLY DISABLED PERSONS, Community homes**

GROUP LIFE INSURANCE

See **INSURANCE — LIFE, Group life; Groups and group requirements**

GUARANTEED ARREST BOND CERTIFICATES

See **BAIL, CRIMINAL**

GUARANTEED STUDENT LOAN PROGRAM, Title 20, chapter 26, part 11

See **HIGHER EDUCATION**

GUARANTY

See also **SURETYSHIP AND SURETIES; WARRANTY**

Acceptance, when notice necessary, 28-11-106
Alteration of obligation, See **Modification of obligation**
Applicability of laws to suretyship, 28-11-412, 28-11-414
Arrest bond certificates, See **BAIL, CRIMINAL, Bond certificates**
Binding when, 28-11-106
Commercial paper, 30-3-202, 30-3-416, See also **COMMERCIAL PAPER, Warranties on presentment and transfer**
Conditional obligation, 28-11-107, 28-11-206
Conflict of laws, 28-11-202
Consent of principal, 28-11-102

GUARANTY (Continued)

Consideration
  continuing guaranty, 28-11-108
  required, 28-11-103
  separate, 28-11-103
  written expression not required, 28-11-104
Continuing guaranty, 28-11-108
Contracts, liability when
  illegal, 28-11-203
  incomplete, 28-11-202
Cosmetics, 50-31-501, 50-31-507
Default of principal, 28-11-205, 28-11-206
Definitions
  continuing guaranty, 28-11-108
  guaranty, 28-11-101
Discharge, See **Exoneration**
Documents of title, accuracy of description, 30-7-301, See also **DOCUMENTS OF TITLE, Warranties**
Drugs, 50-31-501, 50-31-507
Exoneration
  alteration of obligation, 28-11-211, 28-11-212, 28-11-215
  delay in proceeding on debtor, effect, 28-11-213
  discharge of principal, effect, 28-11-214
  failure to proceed upon debtor, effect, 28-11-204
  indemnification of guarantor, effect, 28-11-215
  partial performance, effect, 28-11-216
Factors, guaranty commission, 30-11-604
Food, 50-31-501, 50-31-507
Hazardous substances, 50-30-301, 50-30-305
Knowledge of principal, 28-11-102
Letters of credit, See **LETTERS OF CREDIT**, **Warranties**
Liability, future, 28-11-108
Liability of guarantor
  arises when, 28-11-205
  conditional obligations, 28-11-206
  discharge, See **Exoneration**
  extent, 28-11-201
  good or collectible, guaranty that obligation is, 28-11-204
  illegal contracts, 28-11-203
  incomplete contracts, 28-11-202
  indemnification of guarantor, upon, 28-11-215
  partial performance, effect, 28-11-216
  reduction, 28-11-201, 28-11-216
  removal of principal, 28-11-204
  solvency of principal, 28-11-204
  when, 28-11-205
Mining, large scale mineral development tax prepayment, 90-6-309
Modification of obligation
  effect, 28-11-211, 28-11-215
  rescission, 28-11-212
Notice
  acceptance, 28-11-106
  default, 28-11-205, 28-11-206
Offer of guaranty, when binding, 28-11-106
Original obligation, as, 28-11-105
Partial performance, effect, 28-11-216
Product safety, 50-30-301, 50-30-305
Sales, See **SALES**, **Warranties**
Securities, See **SECURITIES AND SECURITIES REGULATION**, **Warranties**
Statutes of fraud, 28-9-903, 28-11-104, 28-11-105
Suretyship, applicability of laws, 28-11-412, 28-11-414
Unconditional guaranty, 28-11-107
Writing required when, 28-2-903, 28-11-104, 28-11-105

GUARANTY ASSOCIATIONS

See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AN PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AN HEALTH**

GUARDIAN AD LITEM

See **GUARDIAN AND WARD**

GUARDIAN AND WARD

See also **ESTATES AND PROBATE PROCEEDINGS, Conservators and conse vatorship; MINORS**

- **Abduction of ward**, suit for, 27-1-515
- **Abused, neglected, and dependent children**, Title 41, chapter 3, See **MINORS, Abuse neglected, and dependent children**
- **Actions**
  - appeal permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  - default judgment against ward, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  - representation of ward, 25-31-602, 25-34-105, 25-35-505, 27-1-511, 41-1-202; Title 25, chapte 20, M.R.Civ.P., Rules 17(a), 17(c)
  - small claims court, in, 25-34-105, 25-35-505
  - substitution of guardian, Title 25, chapter 20, M.R.Civ.P., Rule 25(b)
- **Adoption**, consent of guardian required when, 40-8-111
- **Appointment**
  - appeals permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
  - certificate of
    - seal of court to be affixed, 3-1-206
  - fee, 25-1-201
  - justice's court, in, 25-31-602
  - minors, for, Title 72, chapter 5, parts 1 and 2
  - parental authority ceases, 40-6-234
  - vacation of appointment, effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 13
- **Attorney's fees**, See **ATTORNEYS AT LAW**
- **Authority of guardian**, extent, 26-3-203
- **Bond of guardian**, Title 72, chapter 13, part 1, See also **SURETY BONDS, Official bonds**
- **Child abuse**, 45-5-622
- **Child custody proceedings**, commencement, See **CHILD CUSTODY**
- **Corporal punishment**, justified when, 45-3-107
- **Court records respecting**
  - clerk of court to keep, 3-5-513
  - record of probate proceedings, 3-5-513
  - register of probate and guardianship proceedings, 3-5-513
- **Custody**
  - defined, 41-5-103
  - interference with, 45-5-304
  - paternity proceedings, award by, 40-6-116
  - proceedings, See **CHILD CUSTODY**
- **Deaf and Blind, Montana State School for the** — mandatory application for admissio of children, penalty, 20-8-105
- **Death of ward**, suit for, 27-1-512
- **Declaratory judgments**, availability, 27-8-204
- **Definitions**, 41-5-103; Title 72, chapter 5, parts 1 and 3
- **Delinquent minors**, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**; Title 41, chapter 5, **YOUTH COURT**, generally
- **Developmentally disabled persons**, See **DEVELOPMENTALLY DISABLED PERSONS, Protective services**
- **Emergency medical care to child**, notification, 41-1-402
- **Eminent domain**, condemnation commissioners — guardian-ward relationship grounds for exclusion, 70-30-207
- **Employment of minor under 16**, liability of guardian, 41-2-111

GUARDIAN AND WARD (Continued)
Endangering the welfare of children, 45-5-622
Estates, protection of property, See **ESTATES AND PROBATE PROCEEDINGS, Conservators and conservatorship**
Firearms, use by children under 14 unlawful, 45-8-344
  liability of guardian, 45-8-345
Force, right to use — when, 49-1-103
Gambling losses, civil action to recover, 23-5-132
Guardian ad litem
  abused, neglected, and dependent children — when appointed for, 41-3-303, 41-3-401
  appointment, 25-5-301, 25-31-602, 40-6-110, 41-3-401, 41-5-512; Title 25, chapter 20, M.R.Civ.P., Rules 4D, 17(c), 25(b)
  compensation, court cost when, 41-5-207
  default judgment against ward, Title 25, chapter 20, M.R.Civ.P., Rule 55(b)
  justice's court, representation of ward, 25-31-602
  parent-child legal relationship termination
    appointment, 41-3-607
    definitions, 41-3-603
    reports by, 41-3-610
  partition proceedings, 70-29-102
  paternity proceedings
    appointed for child when, 40-6-110
    recommendations accepted or refused by, 40-6-114
  service of process, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  support, reciprocal enforcement — requirements for minor obligee, 40-5-114
"Guardianship" defined, 41-5-103
Incapacitated persons
  generally, Title 72, chapter 5, parts 1 and 3
  power of attorney, Title 72, chapter 5, part 5
Joint guardians, Title 72, chapter 13, part 2
Jurisdiction of guardian, extent, 26-3-203
Jurors, relationship grounds for challenge, 25-7-223, 46-16-304
Limited guardians, appointment, Title 72, chapter 5, part 3
Married person as guardian, 40-2-108
Medical, dental, or psychiatric care for minors, Title 41, chapter 1, part 4, See **MINORS, Medical care**, generally
Minors
  generally, Title 72, chapter 5, parts 1 and 2
  insurance contracts binding, when, 33-15-103
  marriage of, consent requirements, 40-1-213, 40-1-402
    lack of consent, effect, 40-1-402
  name change, petition by guardian, 27-31-101
  power of attorney, Title 72, chapter 5, part 5
  pregnancy, See also **PREGNANCY, Minors**
    abortion, notice to guardian, 50-20-107
    serological test results to guardian, 50-19-107
Name change, petition by guardian, 27-31-101
Necessaries, minors' contracts for, 41-1-305
Nonresidents, guardians of property of, 72-13-301
Nonsupport, 45-5-621
Official bonds for guardians, See **SURETY BONDS, Official bonds**
Placement of children, interstate, Title 41, chapter 4, See **MINORS, Interstate Compact on the Placement of Children**
Power of attorney, Title 72, chapter 5, part 5
Privileged communications, consent to disclosure, 26-1-808, 26-1-809
Property
  protective proceedings, See **ESTATES AND PROBATE PROCEEDINGS, Conservators and conservatorship**
  real property
    holding over, damages for, 27-1-319
    partition proceedings, See **PARTITION**
    quiet title actions for heirs of deceased entrymen, as party, 70-28-204, 70-28-206
    waste, 70-16-106

GUARDIAN AND WARD (Continued)

Prostitution, promoting, 45-5-602, 45-5-603
Protection, right to use force, 49-1-103
Protective proceedings, See **ESTATES AND PROBATE PROCEEDINGS, Conservators and conservatorship**
"Public servant", guardian defined as, 45-2-101, See **CRIMES, Public officers anc employees**
Record of probate proceedings, 3-5-513
Register of probate and guardianship proceedings, 3-5-513
Residence of unmarried minors, determination, 1-1-215
Runaway minors, return of, Title 41, chapter 6, See **MINORS, Interstate Compact or Juveniles**
School attendance requirements, penalty for noncompliance, 20-5-106
Securities
  exempt transactions, 30-10-105
  transfers, 30-10-402, See **SECURITIES AND SECURITIES REGULATION Fiduciary transfers**
Seduction of ward, suit for, 27-1-514, See **SEDUCTION**
Service of process, Title 25, chapter 20, M.R.Civ.P., Rule 4D
Taxation
  income tax return made by, 15-30-142, 15-30-241
  refund, verification of claim, 15-16-601
  return, designation of guardian, 15-8-502
Trusts, See **BANKS AND TRUST COMPANIES; TRUSTS AND TRUSTEES**
Vacation of appointment, effect, Title 25, chapter 21, M.R.App.Civ.P., Rule 13
Wrongful death, suit for, 27-1-512
Youth court, Title 41, chapter 5, See **YOUTH COURT**

GUARDS

See **MILITARY AFFAIRS, National guard; PRIVATE INVESTIGATORS AND PATROL OPERATORS**, generally

GUBERNATORIAL CAMPAIGN FUND ACT, Title 13, chapter 37, part 3

See **ELECTIONS, Campaign finance**, public funding

GUIDE DOGS

See **BLIND OR VISUALLY HANDICAPPED PERSONS, Dogs, guide**

GUIDES AND GUIDING, Title 87, chapter 4, part 1

See **OUTFITTERS AND GUIDES**

GUNPOWDER

See **EXPLOSIVES**, generally

GUNS

See **WEAPONS**

G.V.W.

See **MOTOR VEHICLES, Gross vehicle weight fees**

GYMNASIUMS

Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally

GYPSUM
See **CEMENT DEALERS AND PRODUCERS**

H

HABEAS CORPUS, WRIT OF
See also **WRITS**, generally
Appeal by state, 46-22-307
Appearance of defendant, 46-22-302
Applicability of laws
  appeals, 46-22-307
  depositions, 46-22-305
  evidence, 46-22-305
  postconviction hearing, 46-21-101, 46-22-101
Availability
  bail, 46-22-103
  generally, 46-22-101
  technical error, no release for, 46-22-102
Bail, availability to give, 46-22-103
Contempt for disobedience, 46-22-303
Contents of the writ, 46-22-205
Defect, no release for, 46-22-102
Depositions at hearing, 46-22-305
Directed to whom, 46-22-205
Disobedience to writ, 46-22-303
Disposition of detained party, 46-22-306
Effect, 46-22-306
Error, no release for, 46-22-102
Evidence at hearing, 46-22-305
Extradition, upon arrest, 46-30-217, 46-30-228
Hearing and determination
  appeal, 46-22-307
  appearance of defendant, 46-22-302
  decision, 46-22-306
  depositions, 46-22-305
  disposition of detained party, 46-22-306
  evidence, 46-22-305
  illness or infirmity of defendant, 46-22-302
  issues, notice, 46-22-205
  time, 46-22-304
Illness or infirmity of defendant, 46-22-302
Issuance
  application, 46-22-201
  day of, 3-1-302, 46-22-204
  delay prohibited, 46-22-203
  jurisdiction, See **Jurisdiction**
  nonjudicial days, 3-1-302, 3-5-302
  time, 46-22-203, 46-22-204
Jurisdiction
  district court, 3-5-302, 3-5-311, 46-22-202
  supreme court, 3-2-202, 3-2-212, 46-22-202
Petition, 46-22-201, 46-22-205
Postconviction hearing, applicability of laws, 46-21-101
Production of defendant, 46-22-302
Return of writ
  contents, 46-22-301
  court before which it may be returned, 46-22-202
  required, 46-22-301
  signing, 46-22-301
  verification, 46-22-301

HABEAS CORPUS, WRIT OF (Continued)

Right to, 46-22-101
Seal of court to be affixed to, 3-1-206
Service of writ, 46-22-206
Support enforcement, effect on, 40-5-112, 40-5-131
Supreme court, proceedings in, Title 25, chapter 21, M.R.App.Civ.P., Rule 17, See als
    SUPREME COURT, **Original proceedings in**
Technical defects, no release for, 46-22-102
Time
    delay in granting, 46-22-203
    granting, 46-22-203
    hearing, 46-22-304
    issuance, 46-22-204

HABITUAL TRAFFIC OFFENDERS

See **DRIVING AND DRIVERS**

HAIL INSURANCE

See also **INSURERS — FARM MUTUAL**

Applications, 80-2-203
    crop liens, inclusion, 80-2-226
    rates printed on, 80-2-222
Appraisal, disputed — procedures, 80-2-243
Appraisers, 80-2-242
Benefits
    election of, 80-2-204
    execution, exempt from, 80-2-245
Board of
    actuary, employment by, 80-2-228
    agency fund, 80-2-232
        investment, 80-2-222
        reserve deposited in, 80-2-228
    allocation, 2-15-3003
    appeals to, 80-2-243
    appraisals, disputed, 80-2-243
    appraisers, appointment, 80-2-242
    cancellation of insurance when, 80-2-207
    chairman and officers, compensation, 80-2-202
    composition, 2-15-3003
    earmarked revenue fund, account in, 80-2-232
    forms prescribed by, 80-2-201
    hearings, 80-2-243
    levies
        agreement for, 80-2-203
        amount, establishment, 80-2-222
        collection, assistance, 80-2-230
        recommendation for, 80-2-221
    liens, crop — rules and requirements, 80-2-207
    losses reported to, 80-2-241
    meetings, 80-2-201
    participation in program, approval for, 80-2-203
    powers and duties, generally, 80-2-201
    reduction, approval of requests for, 80-2-207
    refunds when, 80-2-206, 80-2-222
    reinsurance, moneys for, 80-2-209
    removal from office, 2-15-3003
    reserve fund, 80-2-228
    risks, classification, 80-2-203
    rules prescribed by, 80-2-201
    termination, 2-8-103

HAIL INSURANCE (Continued)

Board of (Continued)
    term of office, 2-15-3003
    vacancies, 2-15-3003
    withdrawal of crop from insurance, requirements, 80-2-229
Cancellation when, 80-2-207
Cash payment, 80-2-206
Crop liens, See **Liens**
Crops subject to provisions, 80-2-205
Delinquent
    insurance, effect, 80-2-207, 80-2-244
    taxes, effect, 80-2-207
Levies for
    agreement concerning, 80-2-203
    amount, 80-2-222
    annual, 80-2-223
    assessments, 80-2-224
    authorization, 80-2-221
    collection, 80-2-230
    delinquent, 80-2-244
    liability, 80-2-204
    liens for, See **Liens**
    limitation, 80-2-221
    payable when, 80-2-224
    reinsurance, use of moneys for, 80-2-209
Liens, See also **LIENS**, **Hail insurance**
    crop
        creation when, 80-2-226
        insurance secured by, when, 80-2-207, 80-2-227
    foreclosure, 80-2-231
    real estate, creation, 80-2-225
    satisfaction and release, 80-2-230
Losses
    payment, 80-2-244
    reporting, 80-2-241
Maximum, 80-2-208, 80-2-222, 80-2-244
Participation in program, 80-2-203
Real estate liens, See **Liens**
Reduction, 80-2-207
Refunds when, 80-2-206, 80-2-222
Reinsurance, 80-2-209
Reserve fund, 80-2-228
Revenue, Department of
    agents of
        duty generally, 80-2-204
        forms submitted to, 80-2-201
    levy
        prescribed by, 80-2-223
        recommendation for, 80-2-221
Risks, classification, 80-2-203
Tax levy for, See **Levies for**
Withdrawal of crops, when, 80-2-229

HAIL INSURANCE, BOARD OF

See **HAIL INSURANCE**

HAIRDRESSING AND HAIRDRESSERS

See **COSMETOLOGY AND COSMETOLOGISTS**

HAIR DYES

See **COSMETICS**

HALFWAY HOUSES

See **DEVELOPMENTALLY DISABLED PERSONS, Community homes**

HAMBURGER

See **MEAT AND MEAT PRODUCTS**

HANDICAPPED PERSONS

See also **BLIND OR VISUALLY HANDICAPPED PERSONS; DEAF PERSON DEVELOPMENTALLY DISABLED PERSONS; MENTALLY ILL PERSON VETERANS, Disabled veterans**

Adoption of children, See **ADOPTION, Hard-to-place children**
Adult Foster Family Care Act, Title 53, chapter 5, part 3, See **FOSTER HOMES, Adult**
Audiologists, See **SPEECH PATHOLOGISTS AND AUDIOLOGISTS**
Barbers, training as, See **BARBERING AND BARBERS**
Beauticians, training as, See **COSMETOLOGY AND COSMETOLOGISTS**
Boats and motorboats, operation by, 23-2-523
Building codes, provisions, 50-60-201
Cosmetologists, training as, See **COSMETOLOGY AND COSMETOLOGISTS**
Crimes, inability to consent when, 45-5-501
Definitions, 49-2-101
Developmentally disabled persons, See **DEVELOPMENTALLY DISABLE PERSONS**
Disability insurance coverage for handicapped dependents, 33-22-304, 33-22-50 33-30-1003, 33-30-1004
Disabled veterans, See **VETERANS**
Discriminatory practices prohibited, See **DISCRIMINATION**
Drivers' duty and liability to, 49-4-216, 49-4-217
Dueling, support when handicap results from, 27-1-223
Education for children, See **SCHOOLS, Special education**
Elections, aid to, See **ELECTIONS**
Employment
  discriminatory practices described, 49-2-301 — 49-2-303, 49-2-308, 49-4-101
  preference given when, 10-2-201, 10-2-203
  state policy, 49-4-202
Fishing permits for, 87-2-803, 87-2-804
Foster care, See **FOSTER HOMES, Adults**
Health programs for, 50-1-202
Health service corporations, coverage for handicapped dependents, 33-30-1003, 33-30-1004
Housing
  discrimination, See **DISCRIMINATION**, generally
  lower income, 90-6-103, See **HOUSING, Lower income, development**
Insurance coverage for handicapped dependents
  disability, 33-22-304, 33-22-506, 33-30-1003, 33-30-1004
  health service corporations, 33-30-1003, 33-30-1004
Library services for, 22-1-103
Lower income housing, See **HOUSING, Lower income, development**
Motorboats, operation by, 23-2-523
Motorized wheelchairs, use and regulation, 49-4-311, 49-4-312
Motor vehicles, parking permits for, See **Parking permits**
Parking permits
  application and contents, 49-4-303
  displayed how, 49-4-304
  eligibility, 49-4-301
  expiration, 49-4-305
  fee, 49-4-303
  issuance, 49-4-301, 49-4-304
  number limited, 49-4-301
  privilege of holder, 49-4-302
  publicizing, 49-4-306

HANDICAPPED PERSONS (Continued)

Pedestrians' duty and liability to, 49-4-216, 49-4-217
Policy of state, 49-4-202
Prosthetic devices, See **PROSTHETIC DEVICES**
Protective services, See **PUBLIC ASSISTANCE**
Public buildings, provisions, 50-60-201
Rehabilitation, See **HEALTH CARE FACILITIES; PUBLIC ASSISTANCE, Vocational rehabilitation; SHELTERED WORKSHOPS**
Rights generally, Title 49, chapter 4
School attendance, 20-5-102, 20-5-107
Sexual crimes, inability to consent when, 45-5-501
Sheltered workshops, See **SHELTERED WORKSHOPS**
Snowmobiles, operation restrictions, 23-2-632
Special education for children, See **SCHOOLS, Special education**
Speech pathologists, See **SPEECH PATHOLOGISTS AND AUDIOLOGISTS**
State programs for, 50-1-202
Transportation, free or reduced rates, 69-11-208
Veterans, See **VETERANS, Disabled veterans**
Vocational rehabilitation, See **PUBLIC ASSISTANCE**
Voting, aid to, 13-13-118, 13-13-119, 13-13-222
Wheelchairs
  discriminatory practices against users prohibited, 49-2-101
  motorized, use and regulation, 49-4-311, 49-4-312
White Cane Act, Title 49, chapter 4, part 2, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Work programs
  sheltered workshops, See **SHELTERED WORKSHOPS**
  vocational rehabilitation, See **PUBLIC ASSISTANCE**

HANDWRITING

See **ESTATES AND PROBATE PROCEEDINGS, Wills; EVIDENCE, Writings and recordings; INSTRUMENTS, Proof of execution**

HARASSMENT

See **CRIMES**

HARD ROCK MINES

See **MINES AND MINING, Metal mines**

HARD ROCK MINING ACT, Title 82, chapter 4, part 3

See **MINES AND MINING, Metal mines**

HARD-ROCK MINING IMPACT BOARD

See **MINES AND MINING**

HASHISH

See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dangerous drugs**

HATCHERIES

See **FISH AND WILDLIFE, Fish; POULTRY AND EGGS**, generally

HAWKS

See **FISH AND WILDLIFE**, **Birds**; See also **PREDATORS AND PREDATOR CONTROL**, generally

HAY

See generally **AGRICULTURAL SEEDS**; **COMMERCIAL FEEDS**; **INSECTS AN INSECT CONTROL**, generally

HAZARDOUS SUBSTANCES

See also **NUCLEAR ENERGY**, generally

Access to information or premises by officers and employees of the Department o Health and Environmental Sciences, 50-30-107, 50-30-108, 50-30-301
Accidents, See also **EMERGENCIES AND EMERGENCY POWERS**, generally
  investigation, 50-30-106
  prevention programs, 50-30-104
  procedures, 50-30-104
Actions, See also **Prohibited acts**
  disclosure of information, 50-30-301
  publication of judgments, decrees, or orders, 50-30-105
Applicability of laws
  carriers, 50-30-108
  food, drugs, and cosmetics, 50-30-201, 50-30-202, 50-30-301
  pesticides, 50-30-106, 50-30-201
  radioactive substances, 50-30-201, 50-30-204, 50-30-210
Banned hazardous substances
  authorization of ban, 50-30-219
  declaration, 50-30-219
  definitions, 50-30-203, 50-30-220
  detainer or embargo, 50-30-307
  introduction unlawful, 50-30-301
  receipt unlawful, 50-30-301
  toys and other children's articles, 50-30-220
Carriers, inspection and applicability of laws, 50-30-108, See also **Transportation**
Citation of Consumer Product Safety Act of 1975, 50-30-101
"Combustible" defined, 50-30-209
Condemnation order, 50-30-307
Conflict of laws, 50-30-106
Consumer Product Safety Act of 1975, Title 50, chapter 30, See this main category generally
Cooperation with other governmental agencies, 50-30-104
"Corrosive" defined, 50-30-206
Cosmetics, applicability of laws, 50-30-201, 50-30-202, 50-30-301
Criminal charges, See **Prohibited acts**
Declaration of hazardous substance, 50-30-215
Definitions
  banned hazardous substance, 50-30-203, 50-30-220
  combustible, 50-30-209
  commerce, 50-30-102
  corrosive, 50-30-206
  cosmetic, 50-30-202
  court, 50-30-102
  drug, 50-30-202
  electrical hazards, 50-30-212
  extremely flammable, 50-30-209
  flammable, 50-30-209
  food, 50-30-202
  hazardous substance, 50-30-201
  highly toxic, 50-30-205
  immediate container, 50-30-211

HAZARDOUS SUBSTANCES (Continued)

Definitions (Continued)
  irritant, 50-30-207
  label, 50-30-211
  mechanical hazards, 50-30-213
  misbranded hazardous substances, 50-30-202, 50-30-216
  person, 50-30-102
  radioactive substance, 50-30-210
  strong sensitizer, 50-30-208
  thermal hazard, 50-30-214
  toxic, 50-30-204
Destruction of banned or misbranded hazardous substances, 50-30-307
Detainer of banned or misbranded hazardous substances, 50-30-307
Disposal of wastes, See **HAZARDOUS WASTES**
Drugs, applicability of laws, 50-30-201, 50-30-202, 50-30-301, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Educational programs and materials, 50-30-104, 50-30-105
Electrical hazard, 50-30-212, 50-30-220
"Extremely flammable" defined, 50-30-209
Factories where handled, access by officers of department of health and environmental sciences, 50-30-107
Federal Hazardous Substances Act, adoption by reference, 50-30-103
"Flammable" defined, 50-30-209
Food, applicability of laws, 50-30-201, 50-30-202, 50-30-301
"Hazardous substance" defined, 50-30-201
Health and Environmental Sciences, Department of
  accidents
    investigation by, 50-30-105, 50-30-106
    prevention programs by, 50-30-104
  banned hazardous substances, classification and declaration, 50-30-203, 50-30-219
  declaration of hazardous substances, 50-30-215
  detainer of suspected banned or hazardous substance, 50-30-307
  educational programs by, 50-30-104, 50-30-105
  embargo of suspected banned or hazardous substance, 50-30-307
  federal hazardous substances act, adoption, 50-30-103
  flammability determinations, 50-30-209
  hearings by, 50-30-302
  highly toxic substances, evaluation of data, 50-30-205
  injunction, application for, 50-30-306
  inspections by, 50-30-107, 50-30-108
  investigations by, 50-30-105, 50-30-106
  label requirements
    additional requirements by rule, 50-30-216
    exemptions by rule, 50-30-202, 50-30-217
    supervision of correction, 50-30-307
  prosecution of violations, 50-30-303
  publication of information, 50-30-105
  radioactive substances, labeling required, 50-30-201
  rulemaking authority, 50-30-103, 50-30-201 — 50-30-203, 50-30-209, 50-30-215 — 50-30-217, 50-30-220
  toys, hazard determination, 50-30-201, 50-30-203, 50-30-220
    judicial review, duties, 50-30-220
"Highly toxic" defined, 50-30-205
"Immediate container" defined, 50-30-211
Injunction restraining violations, 50-30-306
Inspections
  access to information and premises, 50-30-107
  authorization, 50-30-107
  carriers, 50-30-108
  refusal unlawful, 50-30-301
Introduction in commerce unlawful, 50-30-301
Investigations, 50-30-106
  publication of results, 50-30-105

HAZARDOUS SUBSTANCES (Continued)

- **"Irritant" defined**, 50-30-207
- **Jurisdiction of courts**, 50-30-102, 50-30-220, 50-30-307
- **Labeling**
  - additional requirements, 50-30-216
  - alteration unlawful, 50-30-301
  - chemical sets for children, 50-30-203
  - compliance, 50-30-218
  - contents, 50-30-202
  - correction, 50-30-307
  - defined, 50-30-211
  - destruction unlawful, 50-30-301
  - exemptions, 50-30-217
  - inspection of, 50-30-107
  - misbranded hazardous substances
    - correction, 50-30-307
    - defined, 50-30-202, 50-30-216
    - detainer when, 50-30-307
  - radioactive substances when, 50-30-201
  - removal unlawful, 50-30-301
- **Management**, agreements concerning, 80-8-110
- **Mechanical hazard**, 50-30-213, 50-30-220
- **Misbranded hazardous substances**, See **Labeling**
- **Nuclear regulation**, Title 75, chapter 3, See **RADIOACTIVE SUBSTANCES**
- **Offenses**, See **Prohibited acts**
- **Officers and employees of Department of Health and Environmental Science**
  - access to information and premises for inspection, 50-30-107, 50-30-108
- **Penalties**, See **Prohibited acts**
- **Pesticides**, applicability of laws, 50-30-106, 50-30-201, See **PESTS AND PESTICIDES**
- **Poison**, label designation, 50-30-202, See also **POISON**
- **Product Safety Act of 1975, Consumer**, Title 50, chapter 30, See this main category gene ally
- **Prohibited acts**
  - condemnation order, 50-30-307
  - criminal charges and penalty, 50-30-304, 50-30-305
  - destruction of hazardous substance, 50-30-307
  - detainer, 50-30-307
  - embargo, 50-30-307
  - exceptions to penalty, 50-30-305
  - guarantee against, 50-30-301, 50-30-305
  - hearing, 50-30-302
  - injunction, 50-30-306
  - inspections, failure to permit, 50-30-301
  - introduction of banned or misbranded hazardous substance, 50-30-301
  - label, alteration or removal, 50-30-301
  - notice, 50-30-302, 50-30-307
  - penalty, 50-30-304, 50-30-305
  - prosecution, 50-30-302, 50-30-303
  - publication of judgments, decrees, or orders, 50-30-105
  - receipt of misbranded or banned hazardous substance, 50-30-301
  - reused containers, introduction in, 50-30-301
  - trade secrets, disclosure, 50-30-301
  - undertaking against, 50-30-301, 50-30-305
- **Publication of information**, 50-30-105
- **Radioactive substances**, applicability of laws, 50-30-201, 50-30-204, 50-30-210, See **RADIO ACTIVE SUBSTANCES**
- **Railroads**, transporting by — unlawful when, 69-14-562
- **Receipt in commerce unlawful**, 50-30-301
- **Recovery**, agreements concerning, 80-8-110
- **Recycling**, agreements concerning, 80-8-110
- **Reused containers for**, unlawful, 50-30-301
- **Rulemaking authority**, 50-30-103
  - banned hazardous substances, classification by, 50-30-203

HAZARDOUS SUBSTANCES (Continued)

Rulemaking authority (Continued)
  declaration of hazardous substance, 50-30-215
  federal hazardous substances act, adoption by reference, 50-30-103
  flammability determinations, 50-30-209
  labeling requirements
    additional, 50-30-216
    exemptions, 50-30-202, 50-30-217
  radioactive substances, labeling, 50-30-201
  toys, determination of hazard, 50-30-201, 50-30-203, 50-30-220
Samples of hazardous substances, labels, and packaging for inspection, 50-30-107
Storage
  agreements concerning, 80-8-110
  educational programs, 50-30-104
"Strong sensitizer" defined, 50-30-208
Thermal hazards, 50-30-214, 50-30-220
Toys and other children's articles
  banned hazardous substance when, 50-30-203
    judicial review of ban, 50-30-220
  chemical sets, exemptions, 50-30-203
  hazardous substance when, 50-30-201, 50-30-220
  misbranded hazardous substance when, 50-30-202
"Toxic" defined, 50-30-204
Trade secrets, disclosure, 50-30-301
Transportation
  agreements concerning, 80-8-110
  carriers, inspection, 50-30-108
  educational programs, 50-30-104
  inspection of vehicles and records, 50-30-107, 50-30-108
  railroads, by — unlawful when, 69-14-562
Treatment, agreements concerning, 80-8-110
Unlawful acts, See **Prohibited acts**
Violations, See **Prohibited acts**
Warehouses where stored, inspection, 50-30-107
Waste disposal, See **HAZARDOUS WASTES**

HAZARDOUS WASTE ACT, Title 75, chapter 10, part 4

  See **HAZARDOUS WASTES**

HAZARDOUS WASTES

Administration, 75-10-404
Appeals, 75-10-407
Citation of Montana Hazardous Waste Act, 75-10-401
Cleanup orders, 75-10-416
Compliance monitoring, 75-10-409, 75-10-411
Conflict of laws, 75-10-421
Coordination of programs, 75-10-404
Definitions, 75-10-403
Emergency permits, 75-10-406
Enforcement, 75-10-404, 75-10-413, 75-10-417
Facilities
  compliance monitoring and reports, 75-10-409
  defined, 75-10-403
  inspections, 75-10-410
  permits to classes or categories, when, 75-10-406, See also **Permits**, generally
  rules regarding, 75-10-405
  site inventory, 75-10-411
  state, 75-10-412
  variance procedures, 75-10-408
Facility siting decisions, concurrent studies, 75-10-407

HAZARDOUS WASTES (Continued)

False statements or representations, 75-10-418
Federal program participation, 75-10-419
Federal provisions, state more restrictive — prohibited, 75-10-405, 75-10-408
Grants, 75-10-404
Health and Environmental Sciences, Board of
    complaints to, 75-10-408
    defined, 75-10-403
    hearings, See **Hearings**
    orders, See **Orders**
    variance procedures, 75-10-408
Health and Environmental Sciences, Department of
    actions by, 75-10-413 — 75-10-415, 75-10-417
    administrative rules, 75-10-405
    cleanup orders, 75-10-416
    compliance monitoring and reports, 75-10-409, 75-10-411
    cooperation with other agencies, 75-10-404, 80-8-110
    defined, 75-10-403
    emergency permits, 75-10-406
    enforcement, 75-10-404, 75-10-413, 75-10-417
    facility siting decisions, concurrent studies, 75-10-407
    federal program participation, official agency for, 75-10-419
    imminent hazards, proceedings to restrain, 75-10-415
    inspections, 75-10-410
    interstate cooperation, 75-10-419
    orders, See **Orders**
    permits, 75-10-406
    powers generally, 75-10-404
    programs, authorization, 75-10-402
    rules, 75-10-405, 75-10-406
        noncompliance, 75-10-406
    samples, 75-10-410
    site inventory, 75-10-411
    state facilities, 75-10-412
    violations
        injunction, 75-10-414
        notice and orders regarding, 75-10-413
Hearings
    complaints, 75-10-408
    permits, revocation or modification, 75-10-406
    variances, 75-10-408
    violation orders, 75-10-413
Imminent danger to public health, 75-10-406, 75-10-415
Injunctions, 75-10-414, 75-10-415
Inspections, 75-10-410
Interstate cooperation, 75-10-419
Legislative findings, 75-10-402
Monitoring activities, 75-10-409, 75-10-411
Orders, 75-10-404
    cleanup, 75-10-416
    compliance monitoring, 75-10-409, 75-10-411
    noncompliance, 75-10-406
    violations, to correct, 75-10-413
Penalties
    civil, 75-10-417
    criminal, 75-10-418
Permits, 75-10-404
    appeals, 75-10-407
    compliance monitoring and reports, 75-10-409
    emergency, 75-10-406
    facility siting decisions, concurrent studies, 75-10-407
    general provisions, 75-10-406
    rules regarding, 75-10-405

HAZARDOUS WASTES (Continued)

Policy of state, 75-10-402
Purpose of provisions, 75-10-402
Remedies cumulative, 75-10-421
Research studies and programs, 75-10-404
Rules, 75-10-404
  administrative, 75-10-405
  compliance monitoring, 75-10-409
  noncompliance, 75-10-406
  variance procedures, 75-10-408
Samples, 75-10-410
Short title, 75-10-401
Site inventory, 75-10-411
State facilities, 75-10-412
Venue, 75-10-420
Violations, 75-10-418
  injunction to restrain, 75-10-414
  notice and orders regarding, 75-10-413
  penalties, 75-10-417, 75-10-418

HEADS AND HIDES

See **BUTCHERS AND MEAT PEDDLERS; FISH AND WILDLIFE, Hides, heads, and mounts; LIVESTOCK, Hide dealers; PREDATORS AND PREDATOR CONTROL, Skins, hides, and specimens; RENDERING OR DISPOSAL PLANTS**

HEALING ARTS

See **MEDICINE AND MEDICAL CARE**

HEALTH

See also **SAFETY**

Abortion, See **ABORTION**
Advisory authority, 50-1-301
Air quality standards, See **AIR QUALITY**
Anatomical gifts, See **ESTATES AND PROBATE PROCEEDINGS, Anatomical gifts**
Animal importation permits and health certificates, See **LIVESTOCK, Importation**
Asbestos regulation, See **BUILDINGS AND BUILDING REGULATIONS**
Autopsies, See **AUTOPSIES**
Beaver and dams, destruction when, 87-1-224
Blood and blood products, See **BLOOD**
Boards, See **HEALTH AND ENVIRONMENTAL SCIENCES, BOARD OF; HEALTH, LOCAL BOARDS AND DEPARTMENTS**
Bread, quality control, See **FOOD AND FOOD PRODUCTS, Flour and bread**
Building codes to protect, See **BUILDINGS AND BUILDING REGULATIONS**, generally
Campgrounds, See **CAMPING AND CAMPGROUNDS**
Clean Air Act of Montana, Title 75, chapter 2, See **AIR QUALITY**
Coal mines, in, 50-73-402, See also **OCCUPATIONAL DISEASE**
Construction sites, temporary toilets, 50-77-105 — 50-77-107
Cosmetics, standards and quality control, See **COSMETICS**
Definitions, 50-1-101
Department of, See **HEALTH AND ENVIRONMENTAL SCIENCES, DEPARTMENT OF**
Dimethyl sulfoxide, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dimethyl sulfoxide**
Diseases, See **DISEASES**
DMSO, authorization, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dimethyl sulfoxide**

HEALTH (Continued)

- **Drinking water**, See **WATER SUPPLY, PUBLIC**
- **Drug control**, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
- **Emergencies**
  - ambulance services, See **AMBULANCE SERVICES**
  - emergency medical technicians, See **EMERGENCIES AND EMERGENCY POWER Medical services**
  - suspension of health laws during, 10-3-313, See also **EMERGENCIES AN EMERGENCY POWERS**, generally
- **Enforcement of health laws generally**, 50-1-102 — 50-1-104, 50-2-123, 50-2-124
- **Federal programs**, administration, 50-1-202
- **Flood control activities as protection**, See **FLOODS, Control projects**, generally
- **Flour and bread**, quality control, See **FOOD AND FOOD PRODUCTS**
- **Food establishments**
  - cooperation with other governmental agencies, 50-50-104
  - definitions, 50-50-102
  - diseased persons not to handle food, 50-50-105
  - food analysis, 50-50-303, 50-50-304
  - health and environmental sciences, department of
    - cooperative agreements, 50-50-104
    - food analysis, rulemaking authority, 50-50-303
    - injunction of violations by, 50-50-106
    - inspections
      - payments to local boards of health, 50-50-305
      - reports to, 50-50-301
      - rulemaking authority, 50-50-301, 50-50-303
    - licensing
      - application to, 50-50-203
      - cancellation by, 50-50-209 — 50-50-212
      - correction, approval of plan, 50-50-210
      - denial by, 50-50-211
      - fee, collection, 50-50-205
      - hearings by, 50-50-211
      - issuance by, 50-50-201, 50-50-214
      - list of licensees to, 50-50-208
      - return of license for destruction or alteration, 50-50-213
      - validation, notices, 50-50-214, 50-50-215
    - rulemaking authority, 50-50-103, 50-50-301, 50-50-303
    - violations
      - cancellation of license for, 50-50-209
      - corrections plan, approval, 50-50-210
      - evidence to county attorney, 50-50-107
      - injunction by, 50-50-106
  - injunction of violations, 50-50-106
  - inspections
    - access of officers to establishment, 50-50-302
    - food samples, analysis, 50-50-303, 50-50-304
    - funding, 50-50-305
    - report, 50-50-301, 50-50-304
    - required, 50-50-301
    - rulemaking authority, 50-50-301, 50-50-303
    - when, 50-50-302
  - licensing
    - alteration of license, 50-50-213
    - annual license, 50-50-201
    - appeal of refusal of validation, 50-50-215
    - application, 50-50-203
    - cancellation, 50-50-209 — 50-50-212
    - correction as bar to cancellation, 50-50-209, 50-50-210
    - denial, 50-50-211, 50-50-214, 50-50-215
    - destruction of license, 50-50-213
    - exemptions, 50-50-202
    - expiration, 50-50-207

HEALTH (Continued)

Food establishments (Continued)
- licensing (Continued)
    - fee, 50-50-205
    - hearings, 50-50-211, 50-50-215
    - issuance, 50-50-201, 50-50-214
    - list of licensees to department of health and environmental sciences, 50-50-208
    - multiple-type establishments, 50-50-201, 50-50-212
    - nontransferable, 50-50-206
    - notice
        - cancellation, 50-50-211
        - correction plan, approval, 50-50-210
        - denial, 50-50-211
        - issuance, 50-50-214
    - publicly owned establishment, exemption, 50-50-202
    - renewal, 50-50-201
    - required, 50-50-201
    - return of license for alteration or destruction, 50-50-213
    - right to license, 49-3-204, 50-50-204
    - separate license for each establishment, 50-50-201
    - validation by local officer, 50-2-118, 50-50-201, 50-50-214, 50-50-215
- publicly owned establishments, 50-50-202
- purpose of provisions, 50-50-101
- rulemaking authority, 50-50-103, 50-50-301, 50-50-303
- sanitarians, duties, See **SANITARIANS**
- stored food, handling, 50-50-401
- violations
    - cancellation of license, 50-50-209, 50-50-210
    - correction, plan of — effect, 50-50-210
    - criminal charges, 50-50-108
    - injunction, 50-50-106
    - penalties, 50-50-108
    - prosecution, 50-50-107

Food standards and quality control, See **FOOD AND FOOD PRODUCTS**, generally
Frozen food lockers, See **FOOD AND FOOD PRODUCTS**
Gambling premises, adoption of health regulations by licensing authority, 23-5-322, 23-5-422
Hazardous substances, 50-30-103, 50-30-104, 50-30-201, See **HAZARDOUS SUBSTANCES**
Hazardous wastes, See **HAZARDOUS WASTES**
Health care facilities, See **HEALTH CARE FACILITIES**
Home health care, See **HEALTH CARE FACILITIES**
Hotels and lodging establishments, See **HOTELS AND LODGING ESTABLISHMENTS**
Immunizations, See **SCHOOLS**, **Immunization requirements**
Importation permits and health certificates for animals, See **LIVESTOCK**, **Importation**
Infants
- metabolic testing, See **BIRTH**
- mortality and morbidity information, 50-16-102

Information
- confidentiality, See **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS**
- furnishing to department of health and environmental sciences, 50-16-101

Injunction of health law violations, 50-1-103, 50-2-116
Ionizing radiation, See **RADIOACTIVE SUBSTANCES**, generally
Junkyards, See **JUNKYARDS**
Laetrile, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Lakeshore protection, See **LAKES**, **Shore protection**
Local boards, See **HEALTH, LOCAL BOARDS AND DEPARTMENTS**
Mattresses, See **MATTRESSES**
Mines, in, See **MINES AND MINING**, **Safety and health protection**; **OCCUPATIONAL DISEASE**; **SILICOSIS**
Motels, See **HOTELS AND LODGING ESTABLISHMENTS**
Newborn infants, metabolic testing, See **BIRTH**

HEALTH (Continued)

Nuclear regulation, See **RADIOACTIVE SUBSTANCES**, generally
Occupational, See **LABOR AND EMPLOYMENT**, **Health safeguards**
Occupations regarding, See specific occupation
Organ donation, See **ESTATES AND PROBATE PROCEEDINGS**, **Anatomical gifts**
Penalty, general — for health law violations, 50-1-104, 50-2-124
Pesticide management, 50-30-201, See **PESTS AND PESTICIDES**, generally
Plumbing standards to protect, 50-60-501, See **BUILDINGS AND BUILDING REGULATIONS**, **Plumbing standards**
Pregnancy, in, See **PREGNANCY**
Prenatal care, See **PREGNANCY**, generally
Product safety, 50-30-103, 50-30-104, 50-30-201, See **HAZARDOUS SUBSTANCES**
Professions regarding, See specific profession
Prosecution of health law violations, 50-1-102
Public water supplies, See **WATER SUPPLY, PUBLIC**
Quarantines, 50-1-204, See **QUARANTINES**
Radioactive substances, See **RADIOACTIVE SUBSTANCES**
Railroads, general protection, 69-14-116
Records, confidentiality, See **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS**
Rodent control, See **RODENTS AND RODENT CONTROL**
Rubella, serological tests, See **MARRIAGE**, **Premarital examination**; **PREGNANCY** **Serological testing**
Sanitarians, See **SANITARIANS**
School immunizations, See **SCHOOLS**, **Immunization requirements**
Smoking in public areas, See **PUBLIC ACCOMMODATIONS**
Solid waste management, See **SOLID WASTE MANAGEMENT**
State health plan, administration, 50-1-201
Swimming pools and swimming areas, See **SWIMMING POOLS AND SWIMMING AREAS**
Toilets, temporary — at construction site, 50-77-105 — 50-77-107
Trailer courts, See **MOBILE HOMES, TRAILERS, AND TRAILER PARKS**
Transplants, See **ESTATES AND PROBATE PROCEEDINGS**, **Anatomical gifts**
Tuberculosis control, See **DISEASES**
Tumor registry, See **VITAL STATISTICS**
Venereal disease control, See **DISEASES**
Violations generally
  action to abate, 50-1-103, 50-2-116, 50-2-118
  injunction, 50-1-103
  penalty, 50-1-104, 50-2-124
  prosecution, 50-1-102
Water conservation activities as protection, See **FLOODS**, **Control projects**, generally
Water quality, See **WATER QUALITY**, generally
Western Regional Higher Education Compact, See **HIGHER EDUCATION**
Workplace, regulation at, See **LABOR AND EMPLOYMENT**, **Health safeguards**

HEALTH AND ENVIRONMENTAL SCIENCES, BOARD OF

Absences of members, 50-1-302
Advisory authority, 50-1-301
Air quality, jurisdiction and authority, See **AIR QUALITY**
Bylaws, 50-1-302
Composition, 2-15-2104
Counsel to, 50-1-102
Definitions, 50-1-101
Director of Health and Environmental Sciences as secretary, 50-1-302
Employees, termination for disclosure of patient identity from health care records, 50-5-106
Environmental sanitation, director of — member of board of water well contractors 37-43-201
Facility Siting Act, duties, Title 75, chapter 20, See **FACILITY SITING**
Health care facilities, authority, See **HEALTH CARE FACILITIES**
Law enforcement officers, assistance by, 50-2-120
Legal advisor, 50-1-102

HEALTH AND ENVIRONMENTAL SCIENCES, BOARD OF (Continued)

Livestock, Department of — cooperation with, 81-2-106
Major Facility Siting Act, duties, Title 75, chapter 20, See **FACILITY SITING**
Meetings, 50-1-302
Motor vehicle graveyard and wrecking facilities, duties, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES**
Oaths, administering, 50-1-302
Occupational health and safety, regulatory authority, See **LABOR AND EMPLOYMENT, Health and Environmental Sciences, Board of**
Peace officers, assistance by, 50-2-120
Penalty for violations, general, 50-1-104
Public water supplies, duties, See **WATER SUPPLY, PUBLIC**
Quasi-judicial, designation as, 2-15-2104
Radiation control, duties, See **RADIOACTIVE SUBSTANCES**
Rules of, enforcement, 50-1-104
School sites, requirements and violations, 20-6-624
Secretary, 50-1-302
Solid waste management, duties, See **SOLID WASTE MANAGEMENT**
Subdivisions, monitoring or inspection of sanitary facilities, See **SUBDIVISIONS, Sanitation**
Subpoena power, 50-1-302
Vital statistics, disclosure of information, 50-15-113
Water quality control, responsibilities, See **WATER QUALITY**
Water supplies, public — duties, See **WATER SUPPLY, PUBLIC**
Workplace, health and safety regulatory authority, See **LABOR AND EMPLOYMENT, Health and Environmental Sciences, Board of**

HEALTH AND ENVIRONMENTAL SCIENCES, DEPARTMENT OF

See also **EXECUTIVE BRANCH**, generally

Abortion, authority, See **ABORTION**
Administrative authority, 50-1-201, 50-1-202
Advisory authority to, 50-1-301
Advisory councils
  air pollution control, See **AIR QUALITY**
  water pollution control, See **WATER QUALITY**
Air Pollution Control Advisory Council, See **AIR QUALITY**
Air quality, responsibilities regarding, See **AIR QUALITY**
Ambulance services, licensing authority, See **AMBULANCE SERVICES**
Artificial insemination, filing of husband's consent — confidentiality, 40-6-106
Barbershops and schools or colleges, duties, See **BARBERING AND BARBERS**
Beavers and dams obstructing streams, investigation and reports thereof, 87-1-224
Birth certificate
  judicial determination of date, filing with, 27-32-302
  original confidential when, 40-6-123
  substitute issued when, 40-6-123
Blood tests
  marriage, See **MARRIAGE**
  newborn infants, See **BIRTH**
  pregnancy, See **PREGNANCY**
Boards
  health and environmental sciences, See **HEALTH AND ENVIRONMENTAL SCIENCES, BOARD OF**
  water and wastewater operators, See **WATER SUPPLY, PUBLIC**
Bread, quality control authority, See **FOOD AND FOOD PRODUCTS**
Cadavers, authority, 50-21-102
Campgrounds, authority, See **CAMPING AND CAMPGROUNDS**
Cesspool, septic tank, and privy cleaners — enforcement of provisions for, See **CESSPOOLS, SEPTIC TANKS, AND PRIVIES**
Commerce, Department of — cooperation with, 81-23-103
Consumer product safety, authority, See **HAZARDOUS SUBSTANCES**
Cooperation with other governmental agencies, 50-1-201, 50-1-202

HEALTH AND ENVIRONMENTAL SCIENCES, DEPARTMENT OF (Continued)

Corpses, transportation — rulemaking authority, 50-1-202
Cosmetics, standards and quality control, See **COSMETICS**
Cosmetology, sanitary rules regarding, 37-31-204, 37-31-331
Counsel to, 50-1-102
Creation, 2-15-2101
Dairy products and producers, duties concerning, See **DAIRIES AND DAIRY PRODUCTS**
Definitions, 50-1-101
Dentistry, authority, 50-1-202
Director
  appointment, 2-15-2101
  department head, as, 2-15-2101
  developmental disabilities planning and advisory council, member, 2-15-2204
  marriage, applicable documents prescribed by, 40-1-107
  nursing home administrators, board of — member, 2-15-1845
  occupational health hearings officer, 50-70-110
  paternity, notice of intent to claim — form prescribed by, 40-6-126
  qualifications, 2-15-2102
  water pollution control advisory council secretary, designation, 75-5-221
  water well contractors, board of — appointments to, 2-15-1862
Disease control, See **DISEASES**
Division of Environmental Sciences, See **Environmental Sciences, Division of**
Drug standards and quality control, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Educational authority, 50-1-202
Emergency medical services, authority, See **EMERGENCIES AND EMERGENCY POWERS**
Employees, termination for disclosure of patient identity from health care records, 50-5-106
Enforcement authority, 50-1-103, 50-1-104, 50-1-202, 50-2-120, 50-2-123
Environmental Sciences, Division of
  functions, 2-15-2103
  water and wastewater operators, board of — administrator as member, 2-15-2105
Facility Siting Act, duties, Title 75, chapter 20, See **FACILITY SITING**
Federal funding, acceptance, 50-1-202
Federal health programs, administration, 50-1-202
Federal territory, enforcement of laws within, 2-1-202
Flour and bread, quality control authority, See **FOOD AND FOOD PRODUCTS**
Food establishments, licensing and inspection, See **HEALTH**
Food standards and quality control, See **FOOD AND FOOD PRODUCTS**
Fort Peck Dam territory, enforcement of laws within, 2-1-209
Funding, 50-1-201, 50-1-202
Handicapped children, program for, 50-1-202
Hazardous
  substances, See **HAZARDOUS SUBSTANCES**
  wastes, agreements concerning, 80-8-110, See also **PESTS AND PESTICIDES**
Health and Environmental Sciences, Board of, See **HEALTH AND ENVIRONMENTAL SCIENCES, BOARD OF**
Health care facilities, authority, See **HEALTH CARE FACILITIES**
Hotels and lodging establishments, authority, See **HOTELS AND LODGING ESTABLISHMENTS**
Immunization requirements, duties, See **SCHOOLS, Immunization requirements**
Infants
  maternal child health programs, 50-1-202
  metabolic tests, See **BIRTH**
  mortality and morbidity information to, 50-16-102
Information to, on request, 50-16-101, See also **DISEASES, Report requirements**
Injunction by, 50-1-103
Inspection authority, 50-1-202, 50-1-203, See also specific main category for type of establishment
Ionizing radiation, duties, See **RADIOACTIVE SUBSTANCES**
Laboratory services, 50-1-202
Law enforcement officers, assistance by, 50-2-120

HEALTH AND ENVIRONMENTAL SCIENCES, DEPARTMENT OF (Continued)

Legal advisor to, 50-1-102
Livestock, Department of — cooperation with, 81-2-106
Local boards of health
  consultation, 50-1-202
  federal funds, acceptance for, 50-2-103
Local health officers
  appointment
    by department, when, 50-2-117
    notification to department, 50-2-118
  communicable disease report to department, 50-2-118
  qualifications, determination, 50-2-116
  quarantine, approval, 50-2-118
  reports to department, 50-2-118
Major Facility Siting Act, duties, Title 75, chapter 20, See **FACILITY SITING**
Marriage, duties respecting, See **MARRIAGE**
Maternal and child health programs, authority, 50-1-202
Mattresses, shoddy control, See **MATTRESSES**
Metabolic testing of newborns, See **BIRTH**
Mobile homes and mobile home parks, authority, See **MOBILE HOMES, TRAILERS, AND TRAILER PARKS**
Motels, authority, See **HOTELS AND LODGING ESTABLISHMENTS**
Motor vehicle graveyards and wrecking facilities, duties, See **MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES**
Newborn infants, metabolic tests, See **BIRTH**
Nuclear regulation, duties, See **RADIOACTIVE SUBSTANCES**
Occupational disease and safety, preventive authority, See **LABOR AND EMPLOYMENT, Health and Environmental Sciences, Department of**
Paternity
  acknowledgment, filing, 40-6-105
  artificial insemination, husband's consent — filing, 40-6-106
Peace officers, assistance by, 50-2-120
Penalty for violations of rules of, 50-1-104
Pesticide registration, See **PESTS AND PESTICIDES**
Plumbers, Board of — representation on, 2-15-1875
Powers and duties generally, 50-1-201, 50-1-202
Pregnancy, serological tests, See **PREGNANCY**
Product safety, authority, See **HAZARDOUS SUBSTANCES**
Public buildings, authority, 50-1-202
Public water supplies, duties, See **WATER SUPPLY, PUBLIC**
Quarantine authority, 50-1-204, 50-2-118, See **QUARANTINES**
Rabies in wild animals, control, See **FISH AND WILDLIFE**
Radiation control agency, department as, 75-3-201, See **RADIOACTIVE SUBSTANCES**
Radiation control, duties, See **RADIOACTIVE SUBSTANCES**
Radiologic technologists, inspections for compliance with provisions, 37-14-322
Records and Statistics Bureau, procedures respecting paternity claims, 40-6-126, 40-6-128
Recreational use of lands and waters, adoption of rules for, 87-1-303
Roominghouses, authority, See **HOTELS AND LODGING ESTABLISHMENTS**
Rulemaking authority generally, 50-1-104, 50-1-202
Sanitary standards for subdivisions, duties, See **SUBDIVISIONS**
Schools
  health education, 50-1-202
  immunization requirements, See **SCHOOLS, Immunization requirements**
  regulation of health matters, 50-1-206
  sites, requirements, 20-6-621
Serological tests, authority, See **BLOOD; MARRIAGE; PREGNANCY**
Shoddy control, See **MATTRESSES**
Slaughterhouse licensing provisions, exceptions, 81-9-202
Smoking in public areas, authority, 50-40-108
Solid Waste Management Act, Title 75, chapter 10, part 2, See **SOLID WASTE MANAGEMENT**
Solid waste management, duties, See **SOLID WASTE MANAGEMENT**
Solid wastes, agreements concerning, 80-8-110, See also **PESTS AND PESTICIDES**

HEALTH AND ENVIRONMENTAL SCIENCES, DEPARTMENT OF (Continued)

- **Special education**
  - children requiring, cooperation in discovering, 20-7-404
  - facilities, requirements, 20-7-431
- **State health plan**, administration, 50-1-201
- **Subdivisions**, duties concerning sanitary standards for, See **SUBDIVISIONS**
- **Superintendent of public instruction**, cooperation with, 20-7-404
- **Swimming pools and swimming areas**, authority, See **SWIMMING POOLS AN SWIMMING AREAS**
- **Trailers and trailer parks**, authority, See **MOBILE HOMES, TRAILERS, AN TRAILER PARKS**
- **Tuberculosis control**, duties, See **DISEASES**
- **University system**
  - courses, advice and consultation when, 20-25-604
  - inspection and custodial authority, 50-1-202
- **Venereal disease control**, duties, See **DISEASES**
- **Violations**, enforcement generally, 50-1-103, 50-1-104, 50-1-202, 50-2-123, 50-2-124
- **Vital statistics**, authority, See **VITAL STATISTICS**
- **Water and Wastewater Operators, Board of**, See **WATER SUPPLY, PUBLIC**
- **Water Pollution Control Advisory Council**, See **WATER QUALITY**
- **Water quality control**, responsibilities, See **WATER QUALITY**
- **Water supplies, public** — duties, See **WATER SUPPLY, PUBLIC**
- **Water treatment plant operators**, duties concerning, See **WATER SUPPLY, PUBLIC**
- **Water treatment plants and distribution systems**, duties, See **WATER SUPPLY PUBLIC**
- **Workplace**, health and safety regulatory authority, See **LABOR AND EMPLOYMENT Health and Environmental Sciences, Department of**

HEALTH CARE FACILITIES

- **Abortion**, right of refusal, 50-20-111, See also **ABORTION**
- **Alteration of facility**, See **Construction, alteration, or expansion**
- **Ambulance services**, See **AMBULANCE SERVICES**
- **Annual report to Department of Health and Environmental Sciences**, 50-5-106
- **Autopsy reports to**, 50-21-104
- **Certificate of need**
  - appeal of decision, 50-5-306
  - application, 50-5-302
  - criteria for issuance, 50-5-304
  - defined, 50-5-101
  - denial, 50-5-302
  - emergency issuance, 50-5-308
  - expiration, 50-5-305
  - extension, 50-5-305
  - final decision, 50-5-306
  - hearings, 50-5-302, 50-5-306
  - injunction of violations, 50-5-108, 50-5-307
  - issuance, 50-5-302, 50-5-308
  - licensing provisions, applicability, 50-5-207
  - penalties, 50-5-109, 50-5-307
  - public record, 50-5-106
  - reconsideration of application, 50-5-306
  - required, 50-5-301
  - review of application, 50-5-302, 50-5-304
  - rulemaking authority, 50-5-103, 50-5-104, 50-5-302, 50-5-304, 50-5-306
  - term, 50-5-305
  - violations, 50-5-109, 50-5-307
- **Construction, alteration, or expansion**
  - approval by department, 50-5-201, 50-5-301
  - certificate of need required, 50-5-201, 50-5-301
  - defined, 50-5-101
  - federal aid, See **State Medical Facility Plan**
  - federal requirements, compliance, 50-5-103

HEALTH CARE FACILITIES (Continued)

Construction, alteration, or expansion (Continued)
  injunction, 50-5-108
  inspection of state facility, 50-5-404
  letter of intent, 50-5-302, See **Certificate of need**
  penalties, 50-5-108, 50-5-109
  state plan, 50-5-402, See **State Medical Facility Plan**
  state requirements, compliance, 50-5-103
  violations, 50-5-108, 50-5-109
County facilities, federal aid, 50-5-411
Day-care center, adult — defined, 50-5-101
Definitions, 50-5-101
Discrimination prohibited, 50-5-105
  abortion, refusal to participate — no cause of action, 50-20-111
  sterilization, refusal to participate — no cause of action, 50-5-502, 50-5-503
DMSO, use, 50-42-103, 50-42-104, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dimethyl sulfoxide**
Exemptions from provisions, 50-5-104
Expansion of facility, See **Construction, alteration, or expansion**
Faith healing institutions, exemption from provisions, 50-5-104
Federal aid, See **State Medical Facility Plan**
Financial insufficiency or mismanagement, 50-5-207
Fire protection and safety regulations, 50-5-103, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Grants for facilities, acceptance by department of health and environmental sciences, 50-5-404
Health and Environmental Sciences, Board of
  certificate of need, appeal of department's decision and final decision, 50-5-306
  confidentiality of information, 50-5-106
  licensing — hearing upon denial, suspension, or revocation, 50-5-208
Health and Environmental Sciences, Department of
  certificate of need
    applications, duties, 50-5-302
    criteria set by, 50-5-304
    decision, 50-5-306
    denial, 50-5-302
    emergency, issuance, 50-5-308
    extension by, 50-5-305
    hearings by, 50-5-306
    injunction, by, 50-5-307
    issuance by, 50-5-101, 50-5-301, 50-5-302, 50-5-308
    penalties, request for, 50-5-307
    reconsideration, 50-5-306
    review by, 50-5-304
    rulemaking authority, 50-5-302, 50-5-304, 50-5-306
  confidentiality of information, 50-5-106
  injunctions, action by, 50-5-108
  licensing of facilities
    application to, 50-5-203
    denial by, 50-5-207
    fee, collection, 50-5-202
    injunction, action by, 50-5-221
    inspection of facility, 50-5-103, 50-5-204, 50-5-231
    issuance by, 50-5-201, 50-5-204
    penalties, request by, 50-5-221
    provisional status
      issuance, 50-5-204
      reduction to, 50-5-207
    return to department when, 50-5-201
    revocation by, 50-5-207
    suspension by, 50-5-207
  reports to, 50-5-106
  rulemaking authority, 50-5-103, 50-5-302, 50-5-304, 50-5-306

HEALTH CARE FACILITIES (Continued)

Health and Environmental Sciences, Department of (Continued)
- state medical facility plan
  - administration by, 50-5-402
  - application for funds, transmittal, 50-5-410
  - duties generally, 50-5-404
  - establishment by, 50-5-402
  - federal funds, acceptance and transmittal, 50-5-406

Infant mortality and morbidity, records, 50-16-102

Injunction of violations, 50-5-108
- certificate of need violations, 50-5-307
- licensing violations, 50-5-221

Inspections of facility
- federal funding, for, 50-5-404
- license issuance or renewal, for, 50-5-103, 50-5-204, 50-5-207, 50-5-231

Insurance, professional liability, See **INSURANCE — CASUALTY**

Laetrile, use, 50-41-103, 50-41-104, See also **DRUGS AND CONTROLLE SUBSTANCES AND DEVICES**

Licensing
- appeal, 50-5-208
- application, 50-5-203
- certificate of need, effect, 50-5-207
- denial, 50-5-207, 50-5-208
- display, 50-5-201
- expiration, 50-5-201, 50-5-204
- fees, 50-5-202
- hearings, 50-5-208
- injunction, 50-5-108, 50-5-221
- inspection prerequisite, 50-5-103, 50-5-204, 50-5-231
- issuance, 50-5-201, 50-5-204
- nontransferable, 50-5-201
- notices, 50-5-208
- penalties, 50-5-109, 50-5-221
- provisional license, 50-5-204, 50-5-207
- renewal, 50-5-201, 50-5-204
- required, 50-5-201
- revocation, 50-5-207, 50-5-208
- rulemaking authority, 50-5-103, 50-5-104
- suspension, 50-5-207, 50-5-208
- term of validity, 50-5-201, 50-5-204
- violations, 50-5-109, 50-5-221

Malpractice, See **INSURANCE — CASUALTY, Professional liability MALPRACTICE, MEDICAL**

Medical Facility Plan, See **State Medical Facility Plan**

Minimum standards for operation, See **Standards for operation**

Mistreatment of patients, 50-5-207

Notice
- certificate of need
  - appeal, 50-5-306
  - decision on, 50-5-302
- construction, alteration, or expansion — intent, 50-5-302
- state plan
  - acceptance of application, 50-5-404
  - proposed plan, 50-5-407

"Nursing", unlawful use of word, 50-5-107

Penalties, See **Violations**

Physician-patient relationship, no interference, 50-5-105

Professional liability insurance, See **INSURANCE — CASUALTY**

Records
- confidentiality, See **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS**
- inspection, 50-5-204

Remodeling, See **Construction, alteration, or expansion**

HEALTH CARE FACILITIES (Continued)

Reports to
  federal agencies, 50-5-404
  health and environmental sciences, department of, 50-5-106, 50-16-101
Rulemaking authority, 50-5-103, 50-5-104, 50-5-302, 50-5-304, 50-5-306
Smoking regulations, 50-40-106, 50-40-108
Spiritual healing institutions, exemption from provisions, 50-5-104
Staff insufficiency, 50-5-207
Standards for operation
  adoption, 50-5-103, 50-5-104
  exemption, 50-5-104
  federal aid, for, See **State Medical Facility Plan**
  licensing criteria, 50-5-207
State Medical Facility Plan
  administration, 50-5-402
  application for federal funds for construction projects, 50-5-408
    consolidated application, 50-5-411
    denial, 50-5-409
    transmittal to federal agencies, 50-5-410
  application for federal funds for planning activities, 50-5-404
  citation, 50-5-402
  consolidated applications, 50-5-411
  defined, 50-5-101
  establishment, 50-5-402
  federal agencies, contracts and agreements with, 50-5-405
  federal funds
    acceptance, 50-5-406
    application, See application headings in this category
  federal regulations, compliance, 50-5-404
  hearings, 50-5-407, 50-5-409
  injunction, 50-5-108
  notice, 50-5-404, 50-5-407
  penalties, 50-5-109
  priorities, 50-5-403
  purpose of provisions, 50-5-403
  rulemaking authority, 50-5-103
  scope of plan, 50-5-404
  violations, 50-5-109
Sterilization procedures, See **STERILIZATION**
Tumor registry, See **VITAL STATISTICS**
Violations
  certificate of need violations, 50-5-307
  criminal charges, 50-5-109
  injunction, 50-5-108, 50-5-221, 50-5-307
  license — denial, suspension, or revocation, 50-5-207
  licensing violations, 50-5-221

HEALTH CARE PRACTITIONERS

  See **MEDICINE AND MEDICAL CARE**

HEALTH INSURANCE, EXTENDED

  See **INSURANCE — DISABILITY, Extended health insurance for older persons**

HEALTH, LOCAL BOARDS AND DEPARTMENTS

  See also **HEALTH OFFICERS, LOCAL**

Administrative authority, 50-1-202
Appropriations, See **Funding**
Barbershops or barber schools and colleges, approval of wastewater disposal methods, 37-30-403

HEALTH, LOCAL BOARDS AND DEPARTMENTS (Continued)

Bylaws, 50-2-116
Campgrounds and trailer courts
  inspections, funding, 50-52-302
  license application, validation by, 50-52-209
  list of licensees to department of health and environmental sciences, 50-52-204
Chairman, 50-2-116
City boards of health
  authorization, 7-31-4101
  composition, 50-2-105
  establishment, 50-2-105
  funding, 50-2-110
  jurisdiction, 7-31-4101
  rulemaking authority, 50-2-105
City-county boards of health
  composition, 50-2-106
  counsel, 50-2-115
  establishment, 50-2-106
  funding, 50-2-111
  rulemaking authority, 50-2-106
Commerce, Department of — cooperation with, 81-23-103
Communicable diseases, See **DISEASES**
Cooperation with other boards and agencies, 50-2-116
Counsel, 50-2-115
County boards of health
  composition, 50-2-104
  counsel, 50-2-115
  establishment, 50-2-104
  funding, 50-2-109
  rulemaking authority, 50-2-104
Definitions, 50-2-101
Dental hygienists, practice under board, 37-4-405
Disease control, See **DISEASES**, **Local boards of health and officers**
District boards of health
  composition, 50-2-107
  establishment, 50-2-107
  funding, 50-2-112
Enforcement, 50-1-202, 50-2-116, 50-2-123, 50-2-124, See also this main category generally
Federal funds, 50-2-103, 50-2-108
Financing, See **Funding**
Food establishments
  inspections, funding, 50-50-305
  license application, validation, 50-50-215
  list of licensees to department of health and environmental sciences, 50-50-208
Funding
  appropriations by, 50-2-108 — 50-2-112
  campgrounds and trailer courts, for enforcement, 50-52-302
  city boards, 50-2-110
  city-county boards, 50-2-111
  contributions, by, 50-2-108, 50-2-113
  county boards, 50-2-109
  district boards, 50-2-112
  federal funds, 50-2-103, 50-2-108, 50-2-116
  food establishments, for enforcement, 50-50-305
  hotels, for enforcement, 50-51-303
  levies, by, 50-2-108, 50-2-111, 50-2-114
  nursing services, for, 50-2-119
  school boards, contributions from, 50-2-108, 50-2-113, 50-2-116
  state funds, 50-2-108, 50-2-116
Funeral directors, violation of rules by, 37-19-311
Hotels and motels
  inspections, funding, 50-51-303
  license, validation by, 50-51-215

HEALTH, LOCAL BOARDS AND DEPARTMENTS (Continued)

Inspections, authority, 50-2-116
Law enforcement officers, assistance by, 50-2-120
Legal advisor, 50-2-115
Levies, See **Funding**
Livestock, Department of
    agreements with, 81-22-305
    cooperation with, 81-2-106
Local health officer, See **HEALTH OFFICERS, LOCAL**
Meetings, 50-2-116
Membership changes, 50-2-118
Morticians, violation of rules by, 37-19-311
Mortuaries, violation of rules by, 37-19-404
Noncompliance orders, 50-2-123
Notices of, removal or defacing, 50-2-122
Nuisances, abatement by, 50-2-116
Nursing services, provision, 50-2-119
Obstruction of officers, 50-2-122
Officer, See **HEALTH OFFICERS, LOCAL**
Officers of board, 50-2-116
Orders for compliance, 50-2-123
Peace officers, assistance by, 50-2-120
Penalties, 50-2-124
Personnel, 50-2-116
Premarital examinations
    free, when, 40-1-207
    information and contents, availability, 40-1-208
Public water supplies, survey or inspection agreements, 75-6-104
Quarantine authority, 50-2-116, 50-2-118, 50-2-122
Report to Department of Health and Environmental Sciences, 50-2-118
Rulemaking authority, 50-2-104 — 50-2-106, 50-2-116, 50-2-124
School immunization requirements, See **SCHOOLS, Immunization requirements**
Sewage disposal, rulemaking authority, 50-2-116
Smoking regulations, enforcement, 50-40-108
Solid waste management, rules for, 75-10-112
Staff, 50-2-116
Swimming pools, enforcement authority, 50-53-104
Trailer courts, See **Campgrounds and trailer courts**
Tuberculosis control, See **DISEASES**
Venereal disease control, See **DISEASES**
Violations, 50-2-124
Visiting nurses, 50-2-119
Water quality control, responsibilities, See **WATER QUALITY**

HEALTH MAINTENANCE ORGANIZATIONS, 50-5-101

    See **HEALTH CARE FACILITIES**, generally

HEALTH OFFICERS, LOCAL

Appointment, 50-2-116, 50-2-117
Campgrounds and trailer courts
    inspections by, 50-52-103, 50-52-301, 50-52-302
    license validation by, 50-2-118, 50-52-201, 50-52-208, 50-52-209
Cesspool, septic tank, and privy cleaners — duties concerning, See **CESSPOOLS, SEPTIC TANKS, AND PRIVIES**
Chiropractors, reports by, 37-12-103
Communicable disease hospital, in charge of, 50-2-118
Communicable diseases reported to, 37-2-301
Compliance orders, 50-2-123
Defined, 50-2-101
Diseases, authority, See **DISEASES**

HEALTH OFFICERS, LOCAL (Continued)

Enforcement by, 50-2-118, 50-2-123
Expenses, 50-2-116
Food establishments
    access to establishment, 50-50-302
    injunction, action brought by, 50-50-106
    inspections by, 50-50-301
    investigations by, 50-50-301
    license, validation by, 50-2-118, 50-50-201, 50-50-214, 50-50-215
Hospital for communicable disease, authority, 50-2-118
Hotels and motels
    inspections by, 50-51-301, 50-51-302
    license, validation by, 50-2-118, 50-51-201, 50-51-214, 50-51-215
Indigent, not required to be physician for, 50-2-118
Inspection authority, 50-2-118
Law enforcement officers, assistance by, 50-2-120
Mattresses, inspection, 50-36-103
Natural Resources and Conservation, Board of and Department of — cooperation with, 76-4-106
Obstruction in performance of his duties, 50-2-122
Orders, compliance, 50-2-123
Peace officers, assistance by, 50-2-120
Physician, as, 50-2-116, 50-2-118
Prisoners, removal from jail when diseased, 50-2-121
Public assembly, authority to prohibit, 50-2-118
Public water supply systems, complaints regarding pollution of, 75-6-104
Qualifications, 50-2-116
Quarantine authority and duties, 50-2-118, 50-23-103
Rabies in wild animals, authority, 50-23-103
Reports by, 50-2-118
Salary, 50-2-116
Sanitarian, exemption from practice of, 37-40-102
Solid waste disposal licenses, duties, See **SOLID WASTE MANAGEMENT**
Subdivision sanitation provisions, cooperation, 76-4-106

HEALTH SERVICE CORPORATIONS

Actions, investigations not a bar to, 33-30-303
Administrative Procedure Act, applicability, 33-30-106, 33-30-112
Advertising, 33-30-305
Alcoholism treatment, coverage for, 33-22-703
Annual report, 33-30-202
    filing fee, 33-30-204
Annual statement, 33-30-107
Appeals, 33-30-301
Application of provisions, 33-30-102
Assets, 33-30-105, 33-30-201
Cease and desist orders, 33-30-112
Classifications, discrimination prohibited, 33-30-306
Commissioner, See **INSURANCE, COMMISSIONER OF**
Conflict of laws, 33-30-102
Construction of related laws, 33-30-102
Contractees, injuries caused by, 33-30-304
Contracts allowed, 33-30-302
Conversion to individual policies, See **Group plans**
Deceptive practices prohibited, 33-30-305
Definitions, 33-30-101, 33-30-311
Discrimination prohibited, 33-30-306
Drug addiction treatment, coverage for, 33-22-703
Enrollment representatives
    approval, 33-30-312
    defined, 33-19-104, 33-30-311

HEALTH SERVICE CORPORATIONS (Continued)

Enrollment representatives (Continued)
  license, 33-30-312, 33-30-313
    fees, 33-30-204, 33-30-313
Examination, 33-30-105
  deceptive practices prohibited, 33-30-305
  enrollment representative, 33-30-312
Fees, 33-30-204
Filings
  annual report, 33-30-202
  annual statement, 33-30-107
  enrollment representative, appointee's notice and application, 33-30-312
  fees, 33-30-204
  forms, 33-30-301
Financial condition
  misrepresentations, 33-30-305
  statement regarding, 33-30-202
Forms, 33-30-301
Grievance procedures for members, 33-30-303
Group plans
  conversion to individual policies, 33-30-1007
    applicability of provisions, 33-30-1010
    insured's family, entitlement, 33-30-1009
    preexisting conditions, 33-30-1008
  handicapped dependents, continuation of coverage, 33-30-1004
  newborn infant coverage, 33-30-1001
  reduction of work schedule, continuing coverage, 33-30-1006
Handicapped dependents, continuation of coverage, 33-30-1003, 33-30-1004
Hearings, 33-30-105, 33-30-112, 33-30-301, 33-30-313
Home health care, coverage for, 33-22-1001 — 33-22-1003
Injunction, 33-30-113
Institutions, state — coverage for services received in, 33-30-1002
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insurance Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Life and Disability Insurance Policy Language Simplification Act, 33-15-321 — 33-15-329, See **INSURANCE, Policies**, language simplification
Medicare supplement insurance policies, See **INSURANCE — DISABILITY, Medicare supplement insurance**
Membership contracts
  defined, 33-30-101
  filing fee, 33-30-204
  forms, 33-30-301
  misrepresentations, 33-30-305
  public medical assistance, benefits for persons eligible for, 33-30-1002
  rescission, right of, 33-30-1005
  state institutions, services received in — provisions for, 33-30-1002
Mental illness, treatment — coverage for, 33-22-703
Montana Insurance Code, nonapplicability of provisions, 33-1-102, 33-30-102
Newborn infant coverage, 33-30-1001
Nonliability for injuries caused by contractees, 33-30-304
Notices
  enrollment representative
    appointee, 33-30-312
    license suspension or revocation, 33-30-313
  forms, disallowance, 33-30-301
  violations, of, 33-30-111
Order for discontinuance of forms, 33-30-301
Plans issued by
  handicapped dependents, continuation of coverage, 33-30-1003, 33-30-1004
  newborn infant coverage, 33-30-1001
  public medical assistance, coverage of persons eligible for, 33-30-1002
  state institutions, services received in — coverage, 33-30-1002

HEALTH SERVICE CORPORATIONS (Continued)

Policy Language Simplification Act, Life and Disability Insurance, 33-15-321 — 33-15-329, See **INSURANCE, Policies**, language simplification
Premium tax exemption, 33-30-203
Profit organizations as, prohibited, 33-30-104
Prohibited practices, 33-30-305
Public employee group insurance plans, 2-18-702
Public medical assistance, coverage of persons eligible for, 33-30-1002
Purposes, 33-30-103
Rates, discrimination prohibited, 33-30-306
Records, 33-30-105
Related provisions, construction, 33-30-102
Reserves, 33-30-201
State institutions, services received in — coverage, 33-30-1002
Tax, premium — exemption, 33-30-203
Violations
  cease and desist orders, 33-30-112
  conference regarding, 33-30-111
  enrollment representative, by, 33-30-313
  injunction, 33-30-113
  notice, 33-30-111
  state institutions, services received in — exclusion from coverage, 33-30-1002

HEALTH, STATE BOARD OF

  See **HEALTH AND ENVIRONMENTAL SCIENCES, BOARD OF**

HEARING AID DISPENSERS

Advertising restrictions, 37-16-401, 37-16-411
Audiologists, licensing as, 37-16-402, 37-16-405
Bills of sale, requirements, 37-16-303
Board of
  actions by, 37-16-202
  allocation, 2-15-1850
  changes of address, notification, 37-16-301
  compensation of members, 37-16-203
  composition, 2-15-1850
  defined, 37-16-102
  duties generally, 37-16-202
  expenses of members, 37-16-203
  fees set by, 37-16-402, 37-16-405, 37-16-407
  funding, 37-16-408
  grievance board, when, 37-16-202
  injunction, action for, 37-16-202, 37-16-413
  inspections by, 37-16-202
  licenses
    applicants' qualifications, 37-16-402
    duties generally, 37-16-202
    examinations, 37-16-202, 37-16-403
      subject areas, 37-16-404
      time and place, 37-16-202, 37-16-403
    fees, 37-16-402, 37-16-405, 37-16-407
    nonresidents, 37-16-406
    suspension or revocation, 37-16-202, 37-16-411
    trainee licenses, 37-16-405
  meetings, 37-16-201
  notices given by, 37-16-301
  officers, 37-16-201
  powers generally, 37-16-202
  public representation on, 2-15-1850
  quorum, 37-16-201

HEARING AID DISPENSERS (Continued)

Board of (Continued)
    rules, 37-16-202
    termination, 2-8-103
    term of office, 2-15-1850
    vacancy, 2-15-1850
Business, place of
    permanent, to be — exception, 37-16-301
    record of, 37-16-301
    sale, 37-16-302
Change of address, notification, 37-16-301
Commerce, Department of
    defined, 37-16-102
    earmarked revenue fund, 37-16-408
    licensees' place of business, records concerning, 37-16-301
    licenses
        examinations, 37-16-403
        nonresidents, 37-16-406
        renewal fee, 37-16-407
        trainee, 37-16-405
    notices given by, 37-16-301
Competitors, prohibited practices, 37-16-411
Conviction of felony, effect, 37-16-411
Definitions, 37-16-102
Exemptions from provisions, 37-16-103
Fees, See **Licenses and licensing**
Fraudulent practices, 37-16-411
"Hearing aid" defined, 37-16-102
Incompetence, 37-16-411
Injunction when, 37-16-202, 37-16-413
Inspection of facilities, 37-16-202
Licenses and licensing
    application, 37-16-402, 37-16-405
    defined, 37-16-102
    discrimination in issuance prohibited, 49-3-204
    examinations, 37-16-403
        preparation, 37-16-202
        subject areas, 37-16-404
        time and place, 37-16-202, 37-16-403
    fees, 37-16-402, 37-16-405, 37-16-407, 37-16-408
    fraudulent practices in obtaining, 37-16-411
    lack of, unlawful, 37-16-413
    nonresidents, 37-16-406
    qualifications, 37-16-402
    reciprocity, 37-16-406
    renewal, 37-16-407
        trainee licenses, 37-16-405
    required, 37-16-401
    revocation, suspension, or denial, 37-16-202, 37-16-411
        notice and hearing, 37-16-412
    trainee, 37-16-405
Minors, sales to, 37-16-303
Negligence, 37-16-411
Otolaryngologist, recommendation for examination by, 37-16-303
Policy concerning, 37-16-101
Practice of dispensing and fitting hearing aids
    defined, 37-16-102
    false name or alias used in, 37-16-411
Sales
    bills of sale, requirements, 37-16-303
    fraudulent practices, 37-16-411
    receipts, contents, 37-16-303
Speech pathologist and audiologist provisions, exemption, 37-15-103

HEARING AID DISPENSERS (Continued)

State funds, requirements for aids purchased with, 37-16-303
Trainees, 37-16-102, 37-16-301, 37-16-405
Unethical conduct, 37-16-411
Unlawful practices, penalty, 37-16-413
    effect, 37-16-411

HEARING AID DISPENSERS, BOARD OF

See **HEARING AID DISPENSERS**

HEARING CLINICIANS OR THERAPISTS

See **SPEECH PATHOLOGISTS AND AUDIOLOGISTS**

HEARING DOGS

See **DEAF PERSONS, Dogs, hearing**

HEATING COMPANIES

See **UTILITIES**, generally

HEIRS

See **ESTATES AND PROBATE PROCEEDINGS**

HELICOPTERS AND HELIPORTS

See **AERONAUTICS**, **Aircraft**, generally

HERBICIDES

See **PESTS AND PESTICIDES**, generally

HERD DISTRICTS

Abolishment, 81-4-301
Creation, 81-4-301
    joint districts, 81-4-304
Dissolution, 81-4-302
    joint districts, 81-4-304
Effect, period district will be in
    change, procedures, 81-4-305
    creation, set forth in petition, 81-4-301
Establishment, See **Creation**
Government land, exclusion, 81-4-303
Hearings
    change of time period district to be in effect, 81-4-305
    dissolution, for, 81-4-302
    establishment, for, 81-4-301
    exclusion of government land, for, 81-4-303
Horse herd districts
    abolishment, 81-4-322
    creation, 81-4-321
    definition of horses, 81-4-321
    dissolution, 81-4-323
    effect, period district will be in, 81-4-322
    hearings
        creation, for, 81-4-322
        dissolution, for, 81-4-323

HERD DISTRICTS (Continued)

Horse herd districts (Continued)
  location, 81-4-322
  officers, liability, 81-4-328
  petitions
    creation, for, 81-4-321
    dissolution, for, 81-4-323
  running at large within, prohibited, 81-4-324
  size, 81-4-322
  wrongful entry
    penalty and liability, 81-4-325
    retention and sale of horses, 81-4-326, 81-4-327
    sale of horses, 81-4-326, 81-4-327
Introduction of livestock, penalty, 81-4-309
Joint districts, 81-4-304
Location, 81-4-301
Petitions
  change of time period district to be in effect, 81-4-305
  dissolution, for, 81-4-302
  establishment, for, 81-4-301
  exclusion of government land, for, 81-4-303
  horse herd districts, See **Horse herd districts**
Running at large within, penalty, 81-4-306
Size, 81-4-301
Trespassing animals
  impounded animals, retrieval — penalty, 81-4-308
  retention for damages and keep, 81-4-307
Violations
  horse herd districts, within, See **Horse herd districts**, wrongful entry
  impounded animals, retrieval, 81-4-308
  introduction of livestock, 81-4-309
  running at large within, 81-4-306
  trespassing animals, sale prior to satisfaction of lien, 81-4-307

HERITAGE PROPERTIES

See **ANTIQUITIES**

HEROIN

See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dangerous drugs**

HIDES AND HEADS

See **BUTCHERS AND MEAT PEDDLERS; FISH AND WILDLIFE, Hides, heads, and mounts; LIVESTOCK, Hide dealers; PREDATORS AND PREDATOR CONTROL, Skins, hides, and specimens; RENDERING OR DISPOSAL PLANTS**

HIGHER EDUCATION

See also **COMMUNITY COLLEGE DISTRICTS; POSTSECONDARY EDUCATIONAL INSTITUTIONS; UNIVERSITY SYSTEM**

Advisory councils
  guaranteed student loan, See **Guaranteed student loan program**
  resident student financial assistance program, See **Resident student financial assistance program**
Commissioner of
  appointment, 2-15-1506
  community college district budget forms, approval, 20-15-309

HIGHER EDUCATION (Continued)

Commissioner of (Continued)
- compensation, 20-2-131
- defined, 20-1-101
- duties, 20-2-131
- education, state board of — participation, 20-2-101
- federal higher education programs, commission on — administrative officer, 2-15-1515
- guaranteed student loan advisory council, representation, 2-15-1520
- health inspection reports to, 50-1-202
- office space, 20-2-131
- proprietary postsecondary educational advisory council, member, 2-15-1804
- proprietary postsecondary educational institutions
  - accreditation, evidence of compliance with standards, 20-30-202
  - licenses or permits, criteria, 20-30-201
  - name, consultation concerning, 20-30-202
- public education, board of — member, 2-15-1507
- regents of higher education, board of
  - member, 2-15-1505
  - secretary to, 20-2-111
- resident student financial assistance program
  - administration, 20-26-104
  - duties generally, 20-26-201
  - funds, deposit, 20-26-203
- staff, 20-2-131
- term, 2-15-1506

Consultants, private, See **STATE GOVERNMENT**

Definitions, 20-26-103, 20-26-1101

Federal Higher Education Programs, Commission on
- allocation, 2-15-1515
- compensation, 2-15-1515
- composition, 2-15-1515
- defined, 20-2-401
- duties, 20-2-403
- officers, 2-15-1515
- purpose, 20-2-402
- term of office, 2-15-1515

Financial assistance, See **Guaranteed student loan program**; **Resident student financial assistance program**

Guaranteed student loan program
- administration generally, 20-26-1103
- advisory council
  - appointment, composition, and compensation, 2-15-1520
  - defined, 20-26-1101
  - duties generally, 20-26-1104
- defaults, 20-26-1105, 20-26-1106
- definitions, 20-26-1101
- dissolution, 20-26-1107
- establishment, 20-26-1102
- funds
  - account for, 20-26-1105
  - dissolution, disposition upon, 20-26-1107
  - receipt, 20-26-1102
- lenders, approval, 20-26-1103
- loans, guarantor, 20-26-1103
- nonprofit corporation
  - contracts, 20-26-1103, 20-26-1104
  - defined, 20-26-1101
- state obligation, 20-26-1106

Loans, See **Guaranteed student loan program**

Montana Resident Student Financial Assistance Program, See **Resident student financial assistance program**

Regents of Higher Education, Board of, See **REGENTS OF HIGHER EDUCATION, BOARD OF**

HIGHER EDUCATION (Continued)

Resident student financial assistance program
  administration, 20-26-104, 20-26-201
    costs, 20-26-202
  advisory council
    composition and allocation, 2-15-1517
    defined, 20-26-103
  creation, 20-26-104
  definitions, 20-26-103
  eligibility, criteria, 20-26-201
  funds
    deposit, 20-26-203
    generally, 20-26-201
  grants, individual, 20-26-201
  purpose, 20-26-102
  short title, 20-26-101
Western Interstate Commission for Higher Education
  agreements
    authority to make, 20-25-421, 20-25-803
    form and contents, 20-25-804
  commissioners
    appointment, 20-25-802, 20-25-806
    term, 20-25-806
  community colleges, agreements with, 20-15-225
Western Regional Higher Education Compact
  approval, 20-25-801, 20-25-802
  effective date, 20-25-802
  state obligations or rights, 20-25-805
  text, 20-25-801

HIGHER EDUCATION, COMMISSIONER OF

See **HIGHER EDUCATION, Commissioner of**

HIGH SCHOOLS

See **SCHOOLS, High schools**

HIGHWAY ADVERTISING AND BEAUTIFICATION

See **JUNKYARDS; MOTOR VEHICLE GRAVEYARDS AND WRECKING FACILITIES; OUTDOOR ADVERTISING**

HIGHWAY COMMISSION

Allocation, 2-15-2502
Bond requirements for members, 60-2-102
Coal impact areas, approval of expenditures, 90-6-210
Composition, 2-15-2502
Contracts for highway construction, See **HIGHWAYS, Contracts**
Defined, 61-1-303
Designation of highways, See **HIGHWAYS, Designation**
Fleet vehicles, registration, See **MOTOR VEHICLE REGISTRATION**
Footpath and Bicycle Trail Act of 1975, Title 60, chapter 3, part 3, See **BICYCLES, Footpaths and bicycle trails**
Highways, powers and duties, See **HIGHWAYS**
Meetings, 60-2-101
Members
  bond requirements, 60-2-102
  restrictions, 2-15-2502
Motor vehicle size, weight, and load provisions — duties, See **MOTOR VEHICLES**
Outdoor advertising regulations, See **OUTDOOR ADVERTISING**

HIGHWAY COMMISSION (Continued)

- **Quasi-judicial**, designation as, 2-15-2502
- **Records**, 60-2-202
- **Restrictions on members**, 2-15-2502
- **Rules**, adoption, 60-2-103
- **Snow-removal equipment**, lighting standards and specifications, 61-9-228
- **Speed limits**, alteration, See **TRAFFIC REGULATIONS**

HIGHWAY PATROL

See also generally **PEACE OFFICERS; PUBLIC OFFICERS**

- **Abandoned vehicles**, duties, See **MOTOR VEHICLES, Abandoned vehicles**
- **Accidents**, motor vehicle, See **MOTOR VEHICLE ACCIDENTS AND ACCIDENT REPORTS, Law enforcement officers**, generally
- **Administrative rules**, 44-1-103
- **Arrests**, See also **Bail**
  - procedures generally, 44-1-1101
  - traffic violations, 20-7-504, 61-1-305
- **Automobiles**, See **Equipment**
- **Bail**
  - acceptance permitted, 44-1-1101
  - check in lieu of cash, 44-1-1103
  - procedure, 44-1-1102
- **Captains**, equipment approval, 44-1-105, See also **Patrolmen; Supervisory personnel**
- **Chief of patrol**
  - amateur radio operator lists, 61-3-424
  - appointment, 44-1-201
  - colonel, rank as, 44-1-201
  - defined, 61-1-302
  - disciplinary action
    - authority, 44-1-303
    - decision to, 44-1-804
    - suspension of patrolmen, 44-1-705
  - ham radio operator lists, 61-3-424
  - injured patrolmen, salary benefit
    - eligibility, determination, 44-1-512
    - medical examinations, obtained by, 44-1-512, 44-1-513, 44-1-515
    - retirement allowance, application, 44-1-514
  - patrolmen, general duties, 44-1-303
  - rank, 44-1-201
  - residence, 44-1-202
  - salary, 44-1-203
  - supervisory authority, 44-1-301, 44-1-303
  - supervisory personnel
    - appointment, 44-1-402
    - control of duties, 44-1-302
  - term of office, 44-1-201, 44-1-611
  - travel expenses, 44-1-203
  - uniforms, design by, 44-1-303
  - vehicle equipment safety commission, as commissioner on, 61-2-204
- **Compensation**, See **Salaries**
- **Confidential license plates and registration not permitted**, 44-4-201
- **Creation**, 44-1-101
- **Criminal offenses**, authority respecting, 44-1-1001
- **Dead animals**, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233
- **Demotion**, See **Disciplinary action**
- **Discharge**, See **Disciplinary action**
- **Disciplinary action**
  - appeal, 44-1-901, 44-1-902
  - authority of chief of patrol, 44-1-303
  - authority of division of motor vehicles, 44-1-701
  - causes, 44-1-612

HIGHWAY PATROL (Continued)

Disciplinary action (Continued)
- charges
  - dismissal, 44-1-703
  - filing, 44-1-702
  - writing, 44-1-702
- confrontation, right of, 44-1-803
- counsel, right to, 44-1-803
- decision, 44-1-802, 44-1-804
- demotion
  - pay status, 44-1-808
  - supervisory personnel, 44-1-602
- discharge, probationary patrolmen, 44-1-601
- dismissal of charges, 44-1-703
- exoneration, 44-1-805, 44-1-903
- grounds for, 44-1-612
- hearings
  - conduct, 44-1-802
  - notice, 44-1-801
  - order by division of motor vehicles, 44-1-704
  - suspension pending, 44-1-705
- notice, 44-1-801
- punishment, 44-1-806
- reinstatement, 44-1-805, 44-1-903
- rights of accused, 44-1-803
- salary, effect upon, 44-1-805, 44-1-808, 44-1-903
- suspension
  - hearing, pending, 44-1-705
  - length permitted, 44-1-807

Drivers' licenses, duties, See **DRIVERS' LICENSES**

Equipment
- disposal, 44-1-106
- provision, 44-1-105
- purchase, 44-1-303
- regulations for vehicles, See **MOTOR VEHICLE EQUIPMENT**; **TRAFFIC REGULATIONS**

Establishment, 44-1-101

Firewardens, as, See **FORESTS AND FORESTRY, Firewardens**

Garbage, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233

"Highway patrolman" defined, 61-1-305

Highway property, authority, 44-1-1003

Identification cards in lieu of drivers' licenses, See **MOTOR VEHICLES, Identification cards**

Injury on duty, salary benefit, See **Salaries**

Jurisdiction generally, Title 44, chapter 1, part 10

Labor disputes, no authority, 44-1-1002

Litter control, enforcement, 75-10-233

Livestock or livestock products in transit, authority, 44-1-1004

Maintenance, 44-1-102

Minors
- fines collected from, disposition, 61-12-703
- summons, issuance to — when, 61-12-602

Motor carriers' law, enforcement, 44-1-1005

Motor pool provisions, applicability, 2-17-411

Motor vehicles
- abandoned, duties, See **MOTOR VEHICLES**
- accidents, See **MOTOR VEHICLE ACCIDENTS AND ACCIDENT REPORTS, Law enforcement officers**, generally
- dealers' license applications, verification, 61-4-101, See also **MOTOR VEHICLE DEALERS**
- equipment regulations, See **MOTOR VEHICLE EQUIPMENT**
- registration, duties, See **MOTOR VEHICLE REGISTRATION**

HIGHWAY PATROL (Continued)

Motor vehicles (Continued)
    violations, authority, 44-1-1003
    weighing, authorization for, 61-10-141, See also **MOTOR VEHICLES**
Motor Vehicles, Division of
    appointments by, 44-1-403
    disciplinary action
        authority, 44-1-701
        charges filed with, 44-1-702
        decision, 44-1-802, 44-1-804
        dismissal of charges, 44-1-703
        hearings by, 44-1-704, 44-1-802
        notice, 44-1-801
        punishment, authority, 44-1-806
    equipment
        disposal, 44-1-106
        provision, 44-1-105
    maintenance responsibilities, 44-1-102
    replacements by, 44-1-403
    rulemaking authority, 44-1-103, 44-1-612
    supervision by, 44-1-101, 44-1-102
    uniforms, provision, 44-1-105
Patrolmen
    appointment, 44-1-403, 44-1-404
    citizenship, 44-1-401
    defined, 61-1-305
    demotion, See **Disciplinary action**
    disability, reinstatement following, 19-6-612
    discharge, See **Disciplinary action**
    district representation, 44-1-403
    geographical representation, 44-1-403
    injury on duty, salary benefit, See **Salaries**
    military service, 44-1-404
    motor vehicle liability insurance cards, exhibition when, 61-6-302
    police officers, as, 44-1-1003
    probationary service, See **Probationary service**
    qualifications, 44-1-401
    replacements, 44-1-403, 44-1-404
    reserve, 44-1-404
    residence, 44-1-401
    retirement system, See **HIGHWAY PATROLMEN'S RETIREMENT SYSTEM**
    salaries, 44-1-501 — 44-1-503, See also **Salaries**
    subpoenas, compensation while answering, 44-1-502
    supervision, 44-1-301, 44-1-303
    supervisory personnel, See **Supervisory personnel**
    suspension, See **Disciplinary action**
    term of service, 44-1-611
    uniforms, See **Uniforms**
Police officers, as, 44-1-1003
Probationary service
    injury while on duty, 44-1-516
    military service, when replacements for patrolmen in, 44-1-404
    patrolmen, 44-1-601
    supervisory personnel, 44-1-602
Refuse, dumping or leaving upon thoroughfare — enforcement of provisions, 75-10-233
Reprimand, See **Disciplinary action**
Reserve patrolmen, 44-1-404
Retirement system, See **HIGHWAY PATROLMEN'S RETIREMENT SYSTEM**
Roadblocks, See **SEARCH AND SEIZURE, Roadblocks**
Rulemaking authority, 44-1-103, 44-1-612
Salaries
    chief, 44-1-203
    disciplinary action, effect, 44-1-805, 44-1-808, 44-1-903

HIGHWAY PATROL (Continued)

Salaries (Continued)
  injury while on duty, salary benefit
    duration, 44-1-511, 44-1-515
    eligibility, 44-1-511, 44-1-512
    light duty or transfer, 44-1-511, 44-1-513, 44-1-515, 44-1-518
    medical examination, 44-1-512, 44-1-513, 44-1-517
    probationary status, effect, 44-1-516
    retirement, effect, 44-1-514, 44-1-518
    subrogation, 44-1-517
    waiver, 44-1-511, 44-1-513
    workers' compensation, set off, 44-1-511
  patrolmen, 44-1-501 — 44-1-503
School bus two-way radios, permission for operation, 20-10-108
Sergeants, See **Patrolmen**; **Supervisory personnel**
Sirens, 44-1-105
Snowmobiles
  enforcement of provisions respecting street and highway use, 23-2-641
  operation on highways permitted by, when, 23-2-631
Special fuel user's temporary trip permit, issuance, 15-70-311
Subpoenas, compensation of patrolmen answering, 44-1-502
Supervision, 44-1-101, 44-1-102, 44-1-301
Supervisory personnel
  appointment, 44-1-402
  authority of chief of patrol, 44-1-302
  probationary service, 44-1-602
  term of service, 44-1-611
Suspension, See **Disciplinary action**
Tenure, 44-1-611
Term of service, 44-1-611
Traffic regulations, See **TRAFFIC REGULATIONS**
Traffic violations
  authority, 44-1-1003, 61-1-305
  bail, 44-1-1103
  fees, fines, and forfeitures involving, 61-11-104
Uniforms
  design, 44-1-303
  disposal, 44-1-106
  provision, 44-1-105
Vehicles, See **Equipment**

HIGHWAY PATROL DRIVER EXAMINERS

  See **MOTOR VEHICLES, DIVISION OF**, **Examiners**

HIGHWAY PATROLMEN'S RETIREMENT SYSTEM

Account, See **Funds**, retirement account
Actuarial valuations and investigations, 19-6-202
Administration
  board, by, See **Public Employees' Retirement Board**
  expenses, 19-6-203, 19-6-406
  generally, 19-6-201, 19-6-202
Administration, Department of — duties, See **Public Employees' Retirement Board**, generally
Assets, use and purpose, 19-6-406
Beneficiary
  defined, 19-6-101
  felony conviction, effect, 19-6-703
  nomination, 19-6-602
Benefits, See also **Death benefits**
  "actuarial equivalent" defined, 19-6-101

HIGHWAY PATROLMEN'S RETIREMENT SYSTEM (Continued)

Benefits (Continued)
- disability retirement, See **Disability retirement**
- discrimination prohibited, 19-6-201
- duplication prohibited, 19-6-302
- group insurance premiums withheld from, 19-6-706
- involuntary retirement, 19-6-503
- judicial officer as attorney in, prohibited, 3-1-601
- legal process, exempt from, 19-6-705
- "member's annuity" defined, 19-6-101
- nonforfeitable, 19-6-408
- optional, 19-6-701
- payments
  - erroneous, correction, 19-6-704
  - fixed, 19-6-702
  - monthly, 19-6-702
  - refused when, 19-6-703
- "retirement allowance" defined, 19-6-101
- revocation or suspension, 19-6-703
- service retirement, See **Service retirement**
- state annuity
  - defined, 19-6-101
  - revocation or suspension, 19-6-703
- taxation, exempt from, 15-30-111, 19-6-705
- unassignable, 19-6-705
- vesting, 19-6-408
- workers' compensation benefits, applicability, 19-6-103

Board of, See **Public Employees' Retirement Board**
"Compulsory retirement age" defined, 19-6-101, See also **Service retirement**
Contributions, See also **Members**
- discontinuance, 19-6-408
- disposition, 19-6-401
- injured officer's salary benefit, under, 44-1-518
- military service, during, 19-6-304
- other retirement systems, for qualification of service in, 19-6-305
- payroll deduction for, 19-6-402
- rate, 19-6-402
- refundable when, 19-6-403
- state, 19-6-401, 19-6-404

Contributors, See **Members**
Creditable service, See **Service credits**
Death benefits, See also **Benefits**
- employment-related death, 19-6-603
- generally, 19-6-604
- workers' compensation benefits, applicability, 19-6-603

Definitions, 19-6-101
Disability retirement
- application by chief of highway patrol when, 44-1-514
- benefits
  - canceled when, 19-6-612
  - computation, 19-6-601
- determination of disability, 19-6-611
- medical examination requirements, 19-6-612
- salary benefit, effect, 44-1-514

Establishment, 19-6-102
False statements, penalty, 19-6-104
Falsification of records, penalty, 19-6-104
Fraud, penalty, 19-6-104
Funds
- dormant savings accounts, transfer, 19-6-407
- legal process, exempt from, 19-6-705
- pension accumulation fund, transfers to, 19-6-407

HIGHWAY PATROLMEN'S RETIREMENT SYSTEM (Continued)

Funds (Continued)
- retirement account
  - "account" defined, 19-6-101
  - investment, 17-6-203, 17-6-211, 19-6-401, 19-6-405
  - payments into, 19-6-401
  - transfers to, 19-6-203
- taxation, exempt from, 19-6-705
- trustee for, 19-6-201
- unassignable, 19-6-705

Game Wardens' Retirement System, service credits transferred to, 19-8-306
Injured officers, 44-1-514, 44-1-518
Involuntary retirement, 19-6-503
Members, See also **Contributions**
- conduct, wrongful — effect, 19-6-703
- defined, 19-6-101
- resignation or discharge, 19-6-403
- service credits, See **Service credits**

Membership
- compulsory, 19-6-301
- conditions for, 19-6-201
- military service, during, 19-6-303
- reentry, 19-6-407
- termination, 19-6-408

Municipal Police Officers' Retirement System, service credits transferred to, 19-9-405
Public Employees' Retirement Board
- administration of system, 19-6-201 — 19-6-203
- benefits
  - optional, 19-6-701
  - payments
    - erroneous, correction, 19-6-704
    - refused when, 19-6-703
- contributions made by, when, 19-6-303
- death benefits, duties, 19-6-603
- defined, 19-6-101
- disability retirement, duties, See **Disability retirement**, generally
- duties, Title 19, chapter 6, generally

Public Employees' Retirement System, service credits transferred to, 19-3-509
Records, falsification, 19-6-104
Rules, 19-6-201
Service credits
- computation, 19-6-302
- game wardens' retirement system, transfers to, 19-8-306
- military service, 19-6-303, 19-6-304
- multiple periods of service, effect, 19-6-302
- municipal police officers' retirement system, transfers to, 19-9-405
- other retirement systems, qualification, 19-6-305
- public employees' retirement system, transfers to, 19-3-509
- sheriffs' retirement system, transfers to, 19-7-309

Service retirement
- application, 19-6-501
- benefits
  - compulsory retirement, 19-6-504
  - computation, 19-6-502, 19-6-503
  - involuntary retirement, 19-6-503
- compulsory retirement, 19-6-504
- eligibility, 19-6-501
- involuntary retirement benefits, computation, 19-6-503

Sheriffs' Retirement System, service credits transferred to, 19-7-309
Social security system, separateness, 19-1-101, 19-1-104
Termination, 19-6-408
Violations, 19-6-104
Workers' compensation benefits, applicability, 19-6-103, 19-6-603

HIGHWAYS

See also **BRIDGES; COUNTY ROADS AND BRIDGES; STREETS**

- **Abandoned vehicles upon**, removal, See **MOTOR VEHICLES, Abandoned vehicles**
- **Abandonment of animals**, 45-8-211
- **Abandonment or vacation**, 60-2-107, 60-4-208
  - defined, 60-1-103
- **Access**, See **Controlled-access highways**
- **Accidents upon**, See **MOTOR VEHICLE ACCIDENTS AND ACCIDENT REPORTS**
- **Acquisition of property**
  - canals or ditches, highways crossing, 60-4-110
  - compensation not required when, 60-4-108
  - controlled-access highways or facilities, for, 60-4-111, 60-5-104
  - departmental power generally, 60-4-102
  - eminent domain
    - defined, 60-1-103
    - federal compensation, effect, 70-30-302
    - public use, defined as, 70-30-102, 70-30-103
    - right of, exercised when, 60-4-104
  - fee simple, 60-3-104, 60-4-101, 60-4-102
    - defined, 60-1-103
  - future needs, for, 60-4-106
  - interests in land adjacent to highway, 60-3-103
    - extent acquired, 60-3-104
  - irrigation lands, 60-4-109
  - public, rights acquired by, 60-4-101
  - purposes for, 60-4-103
  - railroads, highways crossing, 60-4-110
  - relocation assistance, See **Displaced persons, relocation assistance**; **Utilities**, reloca tion of facilities
  - service roads, for, 60-4-111
  - subdivision plat filed when, 60-4-105
  - whole parcel, 60-4-105
- **Administration**, Title 60, chapter 2
- **Advertising adjacent to**, See **OUTDOOR ADVERTISING**
- **Airports**, road construction to, 67-10-211
- **Animals**, abandoning, 45-8-211
- **Arterial highways**, See **Controlled-access highways**
- **Arterial street**, See **STREETS**
- **Authorities**, See **Highway authorities**
- **Beautification**, See **JUNKYARDS; MOTOR VEHICLE GRAVEYARDS AN WRECKING FACILITIES; OUTDOOR ADVERTISING**
- **Bicycles**, See **BICYCLES**
- **Bicycle trails**, See **BICYCLES, Footpaths and bicycle trails**
- **Billboards**, See **OUTDOOR ADVERTISING**, generally
- **Blackfeet highway**, jurisdiction, 2-1-206
- **Blind persons as pedestrians**, See **BLIND OR VISUALLY HANDICAPPE PERSONS**, generally
- **Borrow pits**, seeding, 60-2-208
- **Boundaries**, as, 70-20-307
- **Bridges**, See **BRIDGES; COUNTY ROADS AND BRIDGES**
- **Buildings**, 60-4-103
- **Bus stops**, establishment, 61-8-354
- **Bypasses**, 60-2-211
- **Canals**, highways crossing, 60-4-110
- **Cattle guards**, 60-7-103, 70-30-301, 70-30-307, 81-4-102
- **Cemetery association property**, prohibited through, 35-20-217
- **Checking stations**, See **Ports-of-entry and checking stations**
- **Cities**, responsibilities, See **CITIES AND TOWNS, Highways through**
- **City streets**, See **STREETS**
- **Classification**, 60-1-201, 60-1-202
- **Coal impact areas**, revenue and construction, 15-35-108, 90-6-201, 90-6-202, 90-6-210
- **Code, Highway**, Title 60, chapter 1, part 1

HIGHWAYS (Continued)

Commission, Highway, See **Highway Commission**
Communication facilities, 60-4-103
Condemnation, See **Acquisition of property**, eminent domain
Coniferous trees, unlawful transportation on, 76-13-601
Construction
  bicycle trails, See **BICYCLES**, **Footpaths and bicycle trails**
  bridges, See **BRIDGES**; **COUNTY ROADS AND BRIDGES**
  bypasses, 60-2-211
  coal impact areas, 90-6-201, 90-6-202, 90-6-210
  contracts for, See **Contracts**
  costs, payment, 60-2-210
  defined, 60-1-103
  departmental powers concerning, 60-2-201
  displaced persons, relocation, See **Displaced persons, relocation assistance**
  employees, applicability of traffic regulations, 61-8-106, 61-9-106
  federal contracts and agreements, 60-3-101
  footpaths, See **BICYCLES**, **Footpaths and bicycle trails**
  funding, See generally **Federal-aid funds**; **State funds**
  highways not located entirely within state, 60-2-205
  judgments to contractors, 60-3-204
  methods, information and advice, 60-2-206
  parks, state — connecting roads, 23-1-104
  plans for, 60-2-209
  property acquired for, See **Acquisition of property**
  relocation of persons or utilities, See **Displaced persons, relocation assistance**; **Utilities**, relocation of facilities
  relocation projects, 60-2-211
  reports concerning, 60-2-202
  safety programs, funding, 60-3-213
  utilities, relocation, See **Utilities**, relocation of facilities
Contracts, See also **PUBLIC CONTRACTS**, generally
  bidder's requirements, 60-2-113
  bidding requirements, 18-2-403, 60-2-112
  bypasses, for, 60-2-211
  contractor's requirements, 60-2-113
  copies, filing, 60-2-202
  departmental powers, 60-2-201
  discrimination prohibited, 18-2-403, 49-3-207
  federal government, with, 60-3-101
  letting, 60-2-111
  license of contractors, 15-50-202
  preference for Montana residents, 18-2-403
  requirements, 60-2-111
  time extensions, waiver when, 60-2-112
  wages, prevailing rate, 18-2-403, 60-2-111
  weight analysis, for, 60-2-207
Controlled-access facilities, See **Controlled-access highways**
Controlled-access highways, See also **TRAFFIC REGULATIONS**
  "arterial street" defined, 61-1-204, See **STREETS**
  commercial enterprises or structures prohibited, 60-5-110
  definitions, 60-5-102, 61-1-211
  designation, 60-5-103
  facilities
    defined, 60-5-102
    description and plan, 60-2-209, 60-4-108
    design, 60-5-105
    entrance and exit restrictions, 60-5-105
    use restrictions, 60-5-104
  farm entrances, 60-5-106
  frontage roads, 60-5-108
  grade crossings, 60-5-106
  legislative policy, 60-5-101

HIGHWAYS (Continued)

- **Controlled-access highways** (Continued)
  - marking, 60-5-109
  - policy regarding, 60-5-101
  - powers concerning, 60-5-104
  - private driveway or roads prohibited, 60-5-111
  - property acquired for, 60-4-111, 60-5-104
  - roads or private driveways prohibited, 60-5-111
  - service roads, 60-5-107
    - property acquired for, 60-4-111, 60-5-104
  - snowmobiles, operation on prohibited, 23-2-631
  - violations, 60-5-111
- **Control of access**, See **Controlled-access highways**
- **Conveyance of property bounded by**, 70-20-307
- **County road improvement districts**, See **COUNTY ROAD IMPROVEMEN DISTRICTS**
- **County roads**, See **COUNTY ROADS AND BRIDGES**
- **Crossings**
  - grade, 60-5-106
  - marked, to be, 61-8-101
  - railroad, See **Rail-highway crossings**
- **Custodian**, 60-1-102
- **Dead animals**
  - dumping or leaving upon, 75-10-212, 75-10-233
  - unlawful disposition, 75-10-213
- **Definitions**
  - arterial street, 61-1-204, See **STREETS**
  - controlled-access highway, 60-5-102, 61-1-211, See also **Controlled-access highways**
  - control of access provisions, See **Controlled-access highways**
  - crosswalk, 61-1-209
  - economic growth center, 60-3-231
  - generally, 60-1-103
  - highway, 60-1-103, 61-1-201
  - intersection, 61-1-212
  - laned roadway, 61-1-207
  - open range provisions, See **Livestock**, open range
  - priority primary routes, 60-3-221
  - public highway, 60-1-103, 61-1-202, 69-12-101
  - roadway, 61-1-206
  - rural population, 60-3-206
  - rural road mileage, 60-3-206
  - through highway, 61-1-210
  - urban population, 60-3-211
  - value of rural lands, 60-3-206
- **Department of**, See **Highways, Department of**
- **Designation**
  - controlled-access highways, 60-5-103
  - federal-aid highways, 60-2-104
  - improvement, highways not located entirely within state, 60-2-106
  - state highways, 60-2-104
  - state maintenance system, highways in, 60-2-105
- **Displaced persons, relocation assistance**
  - advisory assistance, 60-4-302
  - application for, review when, 60-4-307
  - condemnation damages, element of, 60-4-310
  - definitions, 60-4-301, 60-4-304
  - payments
    - additional, 60-4-305, 60-4-306
    - fixed, 60-4-304
    - moving expenses, for, 60-4-303
    - state income tax provisions, applicability, 60-4-309
  - rules, 60-4-308
- **Disposition of property**, See **Sale of property**

HIGHWAYS (Continued)

Ditches, highways crossing, 60-4-110
Drainage systems, 60-4-103
Dumping garbage, dead animals, or refuse upon, 61-8-365, 75-10-212, 75-10-213, 75-10-233
Easements, See **Rights-of-way**
Economic growth centers
  coal impact areas, reconstruction programs, 90-6-210
  defined, 60-3-231
  determination, 60-3-232
  funds for development
    allocation, 60-3-233
    apportionment, 60-3-234
  obligations, excess, 60-3-234
Eminent domain, See **Acquisition of property**
Encroachments
  denial, action from, 60-6-104
  railroad crossings, extended obstruction on — effect of provisions, 69-14-626
  removal
    action for, 60-6-104
    costs, 60-6-103 — 60-6-105
    immediate, 60-6-101
    notice requirements, 60-6-101, 60-6-102
    owner's expense, at, 60-6-105
    time limit for, 60-6-103
Exchange of property for, See **Acquisition of property**, generally; **Sale of property**
Explosives storage near, 50-38-214, 50-38-233, See also **EXPLOSIVES**, **Storage**
Facilities
  policy concerning, 60-1-102
  provision for, 60-1-101
Farm entrances, 60-5-106
Federal-aid funds
  coal impact areas, for, 90-6-210
  construction, for, 60-2-112
  economic growth center development funds, 60-3-233
  entitlement, 60-3-102
  expenditure, 60-3-105
    purposes, 60-3-103, 60-3-104
  maximum gross axle weight provisions, effect, 61-10-107, 61-10-110
  priority primary route funds, 60-3-223
  purpose of provisions, 60-3-102
  rules regarding, 60-3-101
  safety construction program funds, 60-3-213
  speed limit as condition for, 61-8-304
  state funds to match, 60-3-201, 60-3-204, 60-3-208, 60-3-211, 60-3-213, 60-3-215, 60-3-223, 60-3-233
    interim apportionment, 60-3-212
Federal-aid highways
  abandonment, 60-2-107, 60-4-208
  arterial highways, See **Controlled-access highways**
  classification, 60-1-201
  construction, contracts for, See **Contracts**
  controlled-access, See **Controlled-access highways**
  custodian, 60-1-102
  definitions, 60-1-103
  designation, 60-2-104
  funds for, See **Federal-aid funds**; **State funds**
  information concerning, 60-3-207
  landscape development, 60-3-103
  priority primary routes, See **Priority primary routes**
  rights-of-way along, See **Rights-of-way**, generally
  roadside development, 60-3-103
  routes, selection, 60-2-104

HIGHWAYS (Continued)

- **Federal-aid highways** (Continued)
  - speed limit, 61-8-310
  - state maintenance system, designation for inclusion in, 60-2-105
- **Federal-aid interstate system**, See **Federal-aid highways**, generally
- **Federal-aid primary system**, See **Federal-aid highways**, generally
- **Federal-aid secondary system**, See **Federal-aid highways**, generally
- **Federal law**, assent to, 60-3-101
- **Fencing**, See **Encroachments**; **Livestock**, open range
- **Fire hazards along right-of-way**, 76-13-407, See also **FORESTS AND FORESTR Fire hazards**
- **Flood control projects affecting**, See **FLOODS**, **Control projects**, generally
- **Footpath and Bicycle Trail Act of 1975**, Title 60, chapter 3, part 3, See **BICYCLE Footpaths and bicycle trails**
- **Footpaths and bicycle trails**, Title 60, chapter 3, part 3, See **BICYCLES**
- **Freeways**, See **Controlled-access highways**
- **Frontage roads**, 60-5-108
- **Funds**, distribution and apportionment, See **Federal-aid funds**; **State funds**
- **Garbage**, dumping or leaving upon, 61-8-365, 75-10-212, 75-10-213, 75-10-233
- **Gasoline license tax allocated for**, See **State funds**
- **Good Roads Day**, 60-1-104
- **Grade crossings**, 60-5-106
- **Grazing on**, See **Livestock**
- **Gross vehicle weight fees**, See **MOTOR VEHICLES**
- **Herding cattle on**, 60-7-202, 60-7-204, 60-7-205
- **High-hazard locations**, safety construction programs, 60-3-213
- **Highway authorities**
  - controlled-access highways or facilities
    - design of facilities, 60-5-105
    - grade crossings, 60-5-106
    - powers concerning, 60-5-104
    - private driveways or roads connecting with, permission to operate, 60-5-111
    - service roads, 60-5-107
  - defined, 60-1-103, 60-5-102
  - property acquired by, 60-4-111, 60-5-104
- **Highway Commission**
  - abandonment or vacation of highways, 60-2-107, 60-4-208
  - contracts
    - bidder's requirements, 60-2-113
    - bidding requirements, 60-2-112, 60-2-113
    - contractor's requirements, 60-2-113
    - copies, filing, 60-2-202
    - letting, 60-2-111
    - time extensions, waiver when, 60-2-112
    - wages, prevailing rate set by, 60-2-111
  - controlled-access highways
    - designation, 60-5-103
    - jurisdiction, 60-5-106
  - defined, 60-1-103
  - designation of highways, 60-2-104, 60-5-103
  - federal-aid interstate system, selection of routes, 60-2-104
  - federal-aid primary highways, designation, 60-2-104
  - federal-aid secondary system, selection, 60-1-103, 60-2-104
  - improvement, designation of highways not located entirely within state, 60-2-106
  - records, 60-2-202
  - state highways, designation, 60-2-104
  - state maintenance system, designation of highways for, 60-2-105
- **Highways, Department of**
  - acquisition of property, See also sale of property
    - compensation not required when, 60-4-108
    - eminent domain, right of — exercised when, 60-4-104
    - future needs, for, 60-4-106
    - irrigation lands, 60-4-109

HIGHWAYS (Continued)

Highways, Department of (Continued)
- acquisition of property (Continued)
  - powers generally, 60-4-102
  - subdivision plat filed when, 60-4-105
  - whole parcel, 60-4-105
- bypasses, consent for construction, 60-2-211
- checking stations, See ports of entry and checking stations
- commission records, preservation, 60-2-202
- construction
  - costs, payment, 60-2-210
  - methods, investigation and advice, 60-2-206
  - reports regarding, 60-2-202
- contracts, filing of copies, 60-2-202
- controlled-access
  - consent for, required when, 60-5-104
  - facilities, description and plan, 60-2-209, 60-4-108
- cooperation, 60-1-102
- custodian of highways, 60-1-102
- defined, 60-1-103
- displaced persons, relocation
  - advisory assistance, 60-4-302
  - local relocation advisory assistance office, establishment, 60-4-302
  - payments
    - additional, 60-4-305, 60-4-306
    - fixed, 60-4-304
    - moving expenses, for, 60-4-303
  - rules, adoption, 60-4-308
- duties generally, 60-2-202
- earmarked revenue fund, deposits to, 60-3-201
- economic growth centers
  - determination, 60-3-232
  - funds for development
    - allocation, 60-3-233
    - apportionment, 60-3-234
- encroachments, removal
  - action for, 60-6-104, 60-6-105
  - costs, recovery, 60-6-105
  - immediate, 60-6-101
  - notice requirements, 60-6-101
- federal-aid
  - funds, expenditure, 60-3-105
    - purposes, 60-3-103, 60-3-104
  - highways, custodian, 60-1-102
- federal law, assent to, 60-3-101
- fencing right-of-way through open range, 60-2-208, 60-7-103
- frontage roads, maintenance, 60-5-108
- highways not located entirely within state, powers concerning, 60-2-205
- lease of property, 60-4-106
- livestock, designation of areas for, 60-7-202
- local governments, agreements with, 60-2-204
- maintenance
  - costs, payment, 60-2-210
  - local governments, agreements with, 60-2-204
  - methods, investigation and advice, 60-2-206
  - responsibility for, 60-2-203
- new highways, description and plan, 60-2-209, 60-4-108
- open range, fencing right-of-way through, 60-2-208, 60-7-103
- plans, filing of copies, 60-2-202
- ports of entry and checking stations
  - establishment, 60-2-301, 60-2-302
  - use, cooperation, 60-2-303
- powers generally, 60-2-201, 60-2-205, 60-4-102

HIGHWAYS (Continued)

- **Highways, Department of** (Continued)
  - printed matter, sale, 60-4-206
  - priority primary routes
    - funds
      - allocation, 60-3-223
      - apportionment, 60-3-224
    - selection, 60-3-222
  - records, sale of copies, 60-4-206
  - relocation
    - assistance, See displaced persons, relocation; utilities, relocation
    - projects, consent for construction, 60-2-211
  - sale of property, See also acquisition of property
    - conduct of, 60-4-203
    - conveyances, execution and contents, 60-4-207
    - deeds, execution and contents, 60-4-207
    - exchange of interest, 60-4-201
    - excess, from whole parcel, 60-4-105
    - notice requirements, 60-4-203
    - owner, original — offer to purchase, 60-4-204
    - patents, execution and contents, 60-4-207
    - personal property, 60-4-206
    - printed matter, 60-4-206
    - private sale when, 60-4-205
    - records, copies, 60-4-206
    - required when, 60-4-201, 60-4-202
  - seeding along highways, 60-2-208
  - sinking fund, deposits to, 60-3-201
  - specifications, filing of copies, 60-2-202
  - state funds
    - apportionment, 60-3-204 — 60-3-206, 60-3-208, 60-3-209, 60-3-211
      - interim, 60-3-212
    - districts, increase in obligations, 60-3-210
    - gasoline license tax proceeds, distribution and use, 15-70-101, 60-3-201, 60-3-202
    - information concerning, 60-3-207
    - safety construction programs, allocation for, 60-3-213
  - state highways, custodian, 60-1-102
  - statistics, compilation, 60-2-206
  - utilities, relocation
    - costs, 60-4-403
    - hearings and order for, 60-4-402
  - weight analysis agreements, 60-2-207
- **Highways not located entirely within state**
  - departmental powers, 60-2-205
  - improvement, designation for, 60-2-106
- **Hunting**
  - from or on, unlawful, 61-8-369, 87-1-102, 87-3-101
  - use of motor vehicles, restrictions, 87-3-125
  - waterfowl, allowed when, 87-1-227
- **Improvement**
  - departmental
    - aid, 60-2-206
    - powers concerning, 60-2-201
  - highways not located entirely within state, designation for, 60-2-106, 60-2-205
- **Information sites**, 60-4-103
- **Integrated system**, 60-1-102
- **Interstate highways**, See **Controlled-access highways**; **Federal-aid highways**
- **Irrigation land acquired for**, 60-4-109
- **Judgments**
  - abandonment or vacation obtained by, 60-4-208
  - construction contractors, to — effect on state funds, 60-3-204
  - encroachment, to obtain removal, 60-6-104
  - railroads, canals, or ditches — right to cross obtained by, 60-4-110

HIGHWAYS (Continued)

Junkyards adjacent to, See **JUNKYARDS**
Land for, See generally **Acquisition of property; Sale of property**
Landscape
  architects, See **LANDSCAPE ARCHITECTURE AND ARCHITECTS**
  development, funds for, 60-3-103
Legislature
  findings, 60-1-101
  policy and intent, 60-1-102, 60-5-101
Lewis and Clark highway, 60-1-202
Lighting districts, See **STREET LIGHTING DISTRICTS**
Littering, See **LITTERING AND LITTER CONTROL**
Livestock
  cattle guards, 60-7-103, 70-30-301, 70-30-307, 81-4-102
  flagmen escorts, 60-7-204
  grazing on highway unlawful, 60-7-201
    exclusions, 60-7-202
    penalty, 60-7-203
  herding on highways, 60-7-202, 60-7-204, 60-7-205
  lanes or trails for, 60-4-103
  open range
    definitions, 60-7-102, 81-4-203, 81-4-501
    fencing right-of-way through, 60-2-208, 60-7-103
    grazing adjacent to, 60-7-202
    purpose of provisions, 60-7-101
    stock gates or passes, 60-7-103
  running at large, unlawful, See **LIVESTOCK, Running at large**
Local authorities, powers, 61-12-101
Local improvement districts, See **COUNTY ROAD IMPROVEMENT DISTRICTS**
Maintenance
  costs, payment, 60-2-210
  defined, 60-1-103
  departmental powers, 60-2-201
  federal contracts and agreements, 60-3-101
  frontage roads, 60-5-108
  funds for, See generally **Federal-aid funds; State funds**
  highways not located entirely within state, 60-2-205
  local governments, agreements for, 60-2-204
  methods — investigation, information, and advice, 60-2-206
  parks, state — connecting roads, 23-1-104
  responsibility for, 60-2-203
  state system
    funding, 60-3-202
    highways designated for, 60-2-105
  timber, damages for injury to, 70-16-107, 70-16-108
Marking
  controlled-access highways or facilities, 60-5-105, 60-5-109
  information and advice concerning, 60-2-206
  livestock areas, for, 60-7-202
  pavement marking demonstration, safety construction programs, 60-3-213
  rules for, 60-2-201
Mausoleum-columbarium property, prohibited through, 35-21-409
Military uses, 10-1-602, 10-3-107
Mines and mining, roads for, See **COUNTY ROADS AND BRIDGES**
Motor carriers, compensation for use of, See **MOTOR CARRIERS**, generally
Motor vehicles, abandoned — removal, See **MOTOR VEHICLES, Abandoned vehicles**
Multistate Highway Transportation Agreement, 61-10-1101
Municipalities, responsibilities, See **CITIES AND TOWNS, Highways through**
New highways, description and plan, 60-2-209, 60-4-108
Nonresident use conditional, 25-3-601
Obstructing
  disorderly conduct, 45-8-101
  public nuisance, 27-30-101, 45-8-111

HIGHWAYS (Continued)

Obstructions, See **Encroachments**
Offices, 60-4-103
One-way highways, designation, 61-12-101
Open range, See **Livestock**
Outdoor Advertising Act, Title 75, chapter 15, part 1, See **OUTDOOR ADVERTISING**
Parks
  adjoining, 60-4-103
  state, connecting roads, 23-1-104
Pedestrians, See **PEDESTRIANS**
Pipeline construction, 69-13-103, See also **PIPELINE CARRIERS**, generally
Pipelines, See **PIPELINE CARRIERS**, generally
Planning, departmental powers, 60-2-201
Plans, filing of copies, 60-2-202
Ports of entry and checking stations
  airports, near, 67-11-221
  authorization for, 60-2-301
  required where, 60-2-302
  salmonid fish and egg provisions, enforcement of provisions regarding, 87-3-224
  use, cooperation, 60-2-303
Priority primary routes
  defined, 60-3-221
  funds
    allocation, 60-3-223
    apportionment, 60-3-224, 60-3-225
  obligations, excess, 60-3-225
  selection, 60-3-222
Private roads, See **COUNTY ROADS AND BRIDGES**
Property
  acquisition, See **Acquisition of property**; **Displaced persons, relocation assistance**; **Utilities**, relocation of facilities
  disposition, See **Sale of property**
  flood control or water conservation projects, for, See **FLOODS**, **Control projects**
Public, rights acquired by, 60-4-101
Public utility lines and facilities, See **UTILITIES**, **Lines and facilities**
Rail-highway crossings, See also **RAILROADS**, **Crossings**; **Grade crossings**; **Highway crossings**; **Livestock**; **Signaling devices**; **TRAFFIC REGULATIONS**, **Railroad grade crossings**
  funding, 15-70-102
  property for, 60-4-110
  safety construction programs, 60-3-213
Railroads
  construction, 69-14-532
  crossings, See **Rail-highway crossings**; See also **RAILROADS**, **Crossings**; **Grade crossings**; **Highway crossings**; **Livestock**; **Signaling devices**; See also **TRAFFIC REGULATIONS**, **Railroad grade crossings**
  highways crossing, 60-4-110
  locomotive approaching highway, sounding of bell and whistle, 69-14-562
  signaling devices, See **RAILROADS**, **Signaling devices**
Records, sale of copies, 60-4-206
Recreation areas along, 60-3-103
Refuse, dumping or leaving upon, 61-8-365, 75-10-212, 75-10-213, 75-10-233
Relocation
  assistance
    displaced persons, See **Displaced persons, relocation assistance**
    utilities, See **Utilities**
  projects, consent for construction, 60-2-211
Repairs
  departmental powers, 60-2-201
  federal contracts and agreements, 60-3-101
  information and advice concerning, 60-2-206
  timber, damages for injury to, 70-16-107, 70-16-108
Rest areas, 60-3-103, 60-4-103

HIGHWAYS (Continued)

Revenues
- bonds, general obligation — applicability, See **BOND ISSUES, PUBLIC**, **Highway general obligation bonds**, generally
- coal tax trust funds, See **Coal impact areas**
- gasoline license tax, from, 60-3-201
- limitation, 17-5-503, 17-5-506
- special fuels use tax, from, 60-3-202

Rights-of-way
- abandoned vehicles upon, removal, See **MOTOR VEHICLES**, **Abandoned vehicles**
- abandonment, See **Abandonment or vacation**
- advertising adjacent to, See **OUTDOOR ADVERTISING**, generally
- controlled-access highways or facilities, for, 60-4-111
- defined, 60-1-103
- development along, 60-3-103
- easements
  - deeds or patents, contents, 60-4-207
  - defined, 60-1-103
- encroachments, See **Encroachments**
- fencing through open range, 60-7-103
- fire hazards along, 76-13-407, See also **FORESTS AND FORESTRY**, **Fire hazards**
- flood control or water conservation projects, for, See **FLOODS**, **Control projects**
- grazing on, See **Livestock**
- junkyards along, See **JUNKYARDS**
- military uses, 10-1-602, 10-3-107
- property acquired for, See **Acquisition of property**, generally
- public works, installation on, 60-2-201
- recreation areas, 60-3-103
- rest areas, 60-3-103
- road building materials located within, 60-4-107
- sanitary facilities, 60-3-103
- state lands, on, See **STATE LANDS**, **Easements**, generally

Roadbed maintenance and preservation, 60-4-103

Roadblocks, See **SEARCH AND SEIZURE**

Road building materials, 60-4-103, 60-4-107

Roads, See **COUNTY ROADS AND BRIDGES**; **TRAFFIC REGULATIONS**, **Roadways**

Roadside
- development, funds for, 60-3-103
- obstacles, safety construction programs, 60-3-213

Safer roads demonstration, safety construction programs, 60-3-213

Safety program, See **TRAFFIC REGULATIONS**

Sale of property
- conduct of, 60-4-203
- conveyances, execution and contents, 60-4-207
- deeds, execution and contents, 60-4-207
- excess, from whole parcel, 60-4-105
- exchange of interest, 60-4-201
- owner, original — option to purchase, 60-4-204
- patents, execution and contents, 60-4-207
- personal property, 60-4-206
- printed matter, 60-4-206
- private sale when, 60-4-205
- records, copies, 60-4-206
- required when, 60-4-201, 60-4-202

Sanitary facilities, 60-3-103

Secondary highways, See **Federal-aid highways**

Seeding along, 60-2-208

Service roads, See **Controlled-access highways**

Shooting from or across, 61-8-369, 87-1-102, 87-3-101

Shops, 60-4-103

Shoulders, seeding, 60-2-208

Signing, See **Marking**

HIGHWAYS (Continued)

Signs, regulation, See **OUTDOOR ADVERTISING**
Snowmobiles, use on
  accidents, 23-2-635
  certificate of ownership required, 23-2-611
  permitted when, 23-2-631
  registration required, 23-2-611
  "roadway" defined, 23-2-601
  unlawful when, 23-2-632
Soil survey and mapping program, See **SOIL SURVEYS**, generally
Specifications, filing of copies, 60-2-202
Speed limits, See **TRAFFIC REGULATIONS**
State administration, Title 60, chapter 2
State funds
  apportionment, 60-3-204
    deductions prior to, 60-3-204
    districts for, 60-3-203
      obligations, increase, 60-3-210
    economic growth center development, for, 60-3-234
    federal-aid systems
      interstate, 60-3-209
      off-system road, 60-3-208
      primary, 60-3-205
      secondary, 60-3-206
        information concerning, 60-3-207
      urban highways, 60-3-211
    interim, 60-3-212
    priority primary routes, for, 60-3-224, 60-3-225
  bridges, for, 60-3-214, 60-3-215
  coal impact areas, See **Coal impact areas**
  economic growth center development, for, 60-3-233, 60-3-234
  gasoline taxes, allocation of revenue, 15-70-101, 60-3-201, 60-3-202
  maintenance, for, 60-3-202
  priority primary routes, for, 60-3-223 — 60-3-225
  safety construction programs, allocation for, 60-3-213
  special fuels use tax proceeds, from, 60-3-202
State highways
  abandonment, 60-2-107, 60-4-208
  classification, 60-1-201
  construction, contracts for, See **Contracts**
  controlled-access, See **Controlled-access highways**
  custodian, 60-1-102
  defined, 60-1-103
  designation, 60-2-104
State lands, right-of-way on, See **STATE LANDS**, **Easements**, generally
State maintenance system, See **Maintenance**
Statistics, compilation, 60-2-206
Storage yards, 60-4-103
Streets, See **STREETS**
Subdivision survey and plat
  exemption from requirements, 76-3-209
  plat, filing required when, 60-4-105
Through highways
  defined, 61-1-210, See **TRAFFIC REGULATIONS**, **Highways**
  designation, 61-12-101
Throughways, See **Controlled-access highways**
Traffic-control devices, See **Maintenance**, generally; See also **TRAFFIC REGULATIONS**
Traffic regulations, See **TRAFFIC REGULATIONS**
Traffic safety program, See **TRAFFIC REGULATIONS**, **Safety program**
Trees and shrubs along, 60-4-103
Trees, coniferous — unlawful transportation on, 76-13-601

HIGHWAYS (Continued)

Utilities
  lines and facilities, See **UTILITIES, Lines and facilities**
  location along, 35-18-106
  relocation of facilities
    costs, 60-4-403
    definitions, 60-4-401
    hearings, 60-4-402
    order for, 60-4-402
    property for, 60-4-103
Vacation, See **Abandonment or vacation**
Vehicles on, See **MOTOR VEHICLES**
Visually handicapped persons as pedestrians, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Water conservation activities as protection, See **FLOODS, Control projects**, generally
Waterfowl, hunting of — allowed when, 87-1-227
Weigh stations, 60-4-103
Weight on, analysis agreements, 60-2-207, See also **MOTOR VEHICLES, Gross vehicle weight fees; Size, weight, and load**

HIGHWAYS, DEPARTMENT OF

See also generally **EXECUTIVE BRANCH; HIGHWAYS**

Advertising along highways, duties, See **OUTDOOR ADVERTISING**
Airports, assistance with road construction to, 67-10-211
Bicycle trails, duties regarding, See **BICYCLES, Footpaths and bicycle trails**
Billboards, duties, See **OUTDOOR ADVERTISING**
Bridges, duties, See **BRIDGES**
Building bonds, See **BOND ISSUES, PUBLIC, Highway general obligation bonds**
Buildings, See **CAPITOL AND OTHER STATE BUILDINGS**
Checking stations, establishment, See **HIGHWAYS, Ports of entry and checking stations**
Coal impact areas, preparation of highway construction program, 90-6-210
Combine harvesters' fees, collection, 15-24-1001
Commission, See **HIGHWAY COMMISSION**
Construction of highways, See **HIGHWAYS, Construction**
County roads, reports concerning, Title 7, chapter 14, part 21
Creation, 2-15-2501
Custodian of highways, 60-1-102, See also **HIGHWAYS**
Director
  appointment, 2-15-2501
  defined, 60-1-103
  department head, as, 2-15-2501
  peace officers, appointment of employees as, 61-12-201
  relocation assistance applications, review, 60-4-307
Division, Motor Pool, See **STATE GOVERNMENT, Motor Pool Division**
Duties generally, See **HIGHWAYS**
Employees
  grievance procedures, 2-18-1001 — 2-18-1003
  motor vehicles, duties, See **MOTOR VEHICLES, Highways, Department of**
  peace officers, as, See **MOTOR VEHICLES, Peace officers, departmental**
  weighing vehicles, authorization, 61-10-141
Equipment
  sales and disposition of proceeds, 18-6-103
  secured transactions, 30-9-103, See **SECURED TRANSACTIONS, General intangibles**
Facility siting, responsibilities, See **FACILITY SITING**
Flag persons or vehicles, equipping and regulation, 61-1-411, 61-1-412
Fleet vehicles, authority, See **MOTOR VEHICLE REGISTRATION**
Flood control project contracts, 76-5-1109
Footpaths, duties regarding, See **BICYCLES, Footpaths and bicycle trails**
Funds, See **HIGHWAYS, Federal-aid funds; State funds**

HIGHWAYS, DEPARTMENT OF (Continued)

Gravel on state lands, permits for use, 77-3-208
Gross vehicle weight, duties, See **MOTOR VEHICLES**
Headquarters building, See **BOND ISSUES, PUBLIC, Highway general obligatio bonds**
Highways, duties, See **HIGHWAYS**
Junkyards, duties, See **JUNKYARDS**
Land acquisition or sale, See **HIGHWAYS, Acquisition of property; Sale of property**
Liquified petroleum gas, issuance of
- tax-paid certificate, 15-71-101
- temporary permit, 15-71-102

Long-range building program, See **CAPITOL AND OTHER STATE BUILDINGS**
Maintenance of highways, See **HIGHWAYS, Maintenance**
Military Affairs, Department of — cooperation with in emergency, 10-3-107
Motor carriers' law
- certificate proceedings, party to, 69-12-321
- highway patrol to cooperate in enforcement, 44-1-1005

Motor Pool Division, See **STATE GOVERNMENT**
Motor vehicles
- employees, duties, See **MOTOR VEHICLES, Highways, Department of**
- gross vehicle weight, duties, See **MOTOR VEHICLES**
- new, rules for payment of taxes, 61-3-506, See also **MOTOR VEHICL REGISTRATION**
- size, weight, and load regulations, See **MOTOR VEHICLES**
- state, See **STATE GOVERNMENT**

Outdoor advertising, duties, See **OUTDOOR ADVERTISING**
Parks, state
- connecting roads, jurisdiction, 23-1-104
- control over certain areas, 23-1-102

Peace officers, employees as, See **MOTOR VEHICLES, Peace officers, departmental**
Ports of entry, establishment, See **HIGHWAYS**
Powers generally, See **HIGHWAYS**
Property
- acquisition, See **HIGHWAYS, Acquisition of property**; See also **STATE GOVERN MENT**
- sales and disposition of proceeds, 18-6-103, See also **HIGHWAYS, Sale of property STATE GOVERNMENT**

Relocation assistance by, See **HIGHWAYS**
Salmonid fish and egg provisions, notification of, 87-3-224
Sand or stone on state lands, permits for use, 77-3-208
Signs, duties, See **OUTDOOR ADVERTISING**
State lands — permits for stone, gravel, and sand use, 77-3-208
Traffic-control devices, duties, See **TRAFFIC REGULATIONS**
Transporters, driveaway or towaway, See **MOTOR VEHICLE MANUFACTURERS DISTRIBUTORS, AND IMPORTERS**
Water conservation project contracts, 76-5-1109
Weigh stations, establishment and maintenance, 61-10-141

HIGHWAY TRAFFIC SAFETY PROGRAM

See **TRAFFIC REGULATIONS, Safety program**

HIKING

See **RECREATION**

HIRING

See **BAILMENT AND BAILEES, Storage; LABOR AND EMPLOYMENT**, generally; **LANDLORD AND TENANT; PERSONAL PROPERTY, Rentals PROPERTY, Rentals; REAL PROPERTY, Rentals**

HISTORICAL LIBRARY

See **HISTORICAL SOCIETY**

HISTORICAL MUSEUM

See **HISTORICAL SOCIETY**

HISTORICAL SITES AND OBJECTS

See generally **ANTIQUITIES**; **HISTORICAL SOCIETY**; **OPEN-SPACE LANDS**; **PARKS, State parks**

HISTORICAL SOCIETY

See also **ANTIQUITIES**

Acquisitions, 22-3-107
Administration, 22-3-107
Administrative rules, copy distributed to, 2-4-313
Allocation, 2-15-1511
Archives, See **PUBLIC RECORDS, State archives**
Board of trustees
  appointments and qualifications, 2-15-1512, 22-3-104
  assistants, approval of employment, 22-3-108
  compensation and expenses, 22-3-105
  composition, 2-15-1512
  defined, 22-3-102
  executive committee appointed by, 22-3-106
  grant proposals, responsibilities, 22-3-112
  historic records network, duties, 22-3-211
  powers and duties, 22-3-107, 22-3-211
  state archivist, approval regarding, 22-3-202
  term of office, 2-15-1512
  war memorabilia, duties, 22-3-221
Budget
  historic records network, operation, 22-3-212
  requests, 2-15-1511
Creation, 22-3-101
Decor, 22-3-110
Definitions, 22-3-102
Director and assistants
  appointment and compensation, 22-3-107
  functions, 22-3-108
  state archivist, appointment, 22-3-202
Donations and gifts, 22-3-107
Executive committee
  defined, 22-3-102
  selection, 22-3-106
Grants for cultural and aesthetic purposes, 22-3-112
Historic Preservation Office and Officer, See **ANTIQUITIES**
Historic records network
  administration, 22-3-107
  creation and purpose, 22-3-211
  defined, 22-3-102
  funding, 22-3-212
Library, historical, 22-3-103
  session laws and journals, copies deposited with, 5-11-203
Membership, 22-3-107
Montana folklife project, cooperation with, 22-2-205
Museum, historical, 22-3-102
Offices
  decor, 22-3-110
  location, 22-3-302

HISTORICAL SOCIETY (Continued)

Preservation Review Board, See **ANTIQUITIES**
Purpose, 22-3-101
Records management by, See **PUBLIC RECORDS**
Records preservation, See **PUBLIC RECORDS**, generally
Revenues, 22-3-107, 22-3-111
Seal, 22-3-109
Smoking in museums prohibited, 50-40-105
State agency reports, copies to, 2-7-102
State Records Committee, representation on, 2-15-1013
University system, cooperation with, See **Historic records network**
Veterans and Pioneers Memorial Building
  decor, 22-3-110
  gifts for, 22-3-303
  location, 22-3-301
  use, 22-3-302
War memorabilia, See **PUBLIC RECORDS**

HISTORIC PRESERVATION OFFICE AND OFFICER

See **ANTIQUITIES**

HIVES

See **APIARIES**, generally

HOGS

See generally **LIVESTOCK, Dealers; Garbage feeders; Hide dealers; Pork research and marketing; Running at large; LIVESTOCK MARKETS; TAXATION, Livestock**

HOISTING ENGINES

Applicability of laws, 50-76-101
Coal mines, in, 50-73-302, 50-73-305, 50-73-306
Criminal charges, 50-76-109
Emergency operation, 50-76-102, 50-76-103
Engineers, qualifications, 50-76-102, 50-76-103
Exemptions from provisions, 50-60-703, 50-76-101
Federal regulation, effect, 50-76-101
Inspections, 50-60-703, 50-76-110
Licenses
  application, 50-76-104, 50-76-108
  crane and hoist licenses, 50-76-103
  denial, 50-76-108
  expiration, 50-76-105
  fee, 50-76-104
  hoisting engine, 50-76-102
  qualifications, 50-76-102, 50-76-103
  renewal, 50-76-105
  required, 50-76-102, 50-76-103
  revocation, 50-76-106
  scope of license, 50-76-107
Violations, 50-76-109
Workers' Compensation, Division of
  coal mines, in — authority, 50-73-302, 50-73-306
  inspector from, 50-76-110
  licenses
    application to, 50-76-104
    issuance by, 50-76-102, 50-76-103
    revocation by, 50-76-106

HOLIDAYS

Actions, effect on computation of time, 1-1-306; Title 25, chapter 20, M.R.Civ.P., Rule 6(a); Title 25, chapter 21, M.R.App.Civ.P., Rule 21
Appeals, effect on computation of time, Title 25, chapter 21, M.R.App.Civ.P., Rule 21
  criminal, 46-20-503
Banks and trust companies, 32-1-481 — 32-1-485, 32-1-563, 32-1-565, See **BANKS AND TRUST COMPANIES**
Contracts, effect on time of performance, 28-3-603
Courts
  justices' courts to be closed, 3-10-102
  process, service on, 3-1-302, 3-5-302
  transaction of business on, 3-1-302, 3-1-303, 3-5-302
Fireworks, sale dates, 50-37-106
Gasoline license tax, filings on, 15-70-103
Investment companies, 32-1-481 — 32-1-485, 32-1-563, 32-1-565, See **BANKS AND TRUST COMPANIES, Holidays**
Legal
  action in law, 1-1-306, 1-1-307; Title 25, chapter 20, M.R.Civ.P., Rule 6(a); Title 25, chapter 21, M.R.App.Civ.P., Rule 21
  enumeration, 1-1-216
  school code, exception, 20-1-307
Liquor store, state — operation on, 16-2-104
Public employees, observance when occurring on day off, 2-18-603
Savings banks, 32-1-481 — 32-1-485, 32-1-563, 32-1-565, See **BANKS AND TRUST COMPANIES, Holidays**
School, 20-1-305, 20-1-307
State liquor store, operation on, 16-2-104
Trust companies, 32-1-481 — 32-1-485, 32-1-563, 32-1-565, See **BANKS AND TRUST COMPANIES, Holidays**
University system employees, 20-25-306

HOME GUARD, Title 10, chapter 1, part 7

  See also **MILITARY AFFAIRS**, generally

HOME HEALTH CARE

Agencies, 50-5-101, See **HEALTH CARE FACILITIES**
Licensing, 50-5-204, See **HEALTH CARE FACILITIES**
Medicaid, See **PUBLIC ASSISTANCE**
Payment for services, medicaid, See **PUBLIC ASSISTANCE**

HOMEOWNER INSURANCE

  See **INSURANCE — CASUALTY, Home insurance; INSURANCE — PROPERTY**, generally

HOMES

  See **HOUSING**

HOME SOLICITATION SALES

  See **SALES, Personal solicitation**

HOMES FOR THE AGED

  See **AGING AND AGED PERSONS; HOTELS AND LODGING ESTABLISHMENTS; NURSING HOMES**

HOMESTEADS

- See **REAL PROPERTY**

HOMICIDE

- See **CRIMES**, **Homicide, criminal**

HOMOSEXUALITY

- See also **CRIMES**, **Sexual offenses**

- **Deviate sexual conduct**, as, 45-5-505

HONEY

- See **APIARIES**, generally

HONORARIUM, VETERANS

- See **VETERANS**

HORSERACING, BOARD OF

- See **HORSES AND HORSERACING**

HORSES AND HORSERACING

- See also **SPORTS AND SPORTING EVENTS**, generally

- **Abandoned**, See **LIVESTOCK**, **Roundup of abandoned horses**
- **Beer sales**, special permits for — fees, 16-4-301, 16-4-501
- **Betting**, See **Pari-mutuel betting**
- **Board of Horseracing**
  - allocation, 2-15-1881
  - authority, 23-4-104, 23-4-105, 23-4-202
  - chairman, election, 23-4-102
  - compensation of members, 23-4-102
  - composition, 2-15-1881
  - hearings by, 23-4-202
  - implementation of horseracing laws, 23-4-202
  - inspection of race meet locations, 23-4-105
  - insurance, public liability — approval of amount, 23-4-205
  - license to conduct race meet, issuance and revocation, 23-4-201, 23-4-202
  - Montana-bred horses, races exclusively for — board to determine when required, 23-4-204
  - powers and duties generally, 23-4-102, 23-4-104, 23-4-105
  - quorum, 23-4-102
  - records, maintenance and public inspection, 23-4-103
  - removal from office, 2-15-1881
  - revenue, 23-4-305
  - rulemaking authority, 23-4-104, 23-4-202
  - salaries and expenses of members, 23-4-102
  - supervisory power, 23-4-104, 23-4-105, 23-4-202
  - termination, 2-8-103
  - term of office, 2-15-1881
  - travel expenses, 23-4-102
- **Brands**, See **LIVESTOCK MARKS AND BRANDS**, generally
- **Commerce, Department of**
  - board of horseracing records, maintenance and public inspection, 23-4-103
  - license for race meets, issuance, 23-4-201
  - pari-mutuel betting
    - gross receipts, tax paid to, 23-4-304
    - unclaimed money, payment to, 23-4-305
  - revenue for implementing provisions, 23-4-304

HORSES AND HORSERACING (Continued)

Days when race meets lawful, 23-4-203
Dealers, See **LIVESTOCK MARKETS**
Definitions, 23-4-101
Disposal plants, See **RENDERING OR DISPOSAL PLANTS**
Distance of race, maximum, 45-8-211
Estrays, See **LIVESTOCK**
Herd districts, See **HERD DISTRICTS**, **Horse herd districts; Running at large within**
Hides, See **LIVESTOCK, Hide dealers**
Inspection of places where race meets to be held, 23-4-105
Insurance, public liability — licensee required to carry, 23-4-205
Licenses for race meets
  application, 23-4-201
  cancellation or revocation, 23-4-201, 23-4-202
  discrimination in issuance prohibited, 49-3-204
  ineligible persons, 23-4-201
  issuance, 23-4-104, 23-4-201
  relicensure, application forbidden when, 23-4-202
Markets, See **LIVESTOCK MARKETS**
Marks and brands, See **LIVESTOCK MARKS AND BRANDS**, generally
Montana-bred horses, special competition, 23-4-204
Pari-mutuel betting
  bookmaking unlawful, 23-4-301
  breakage, 23-4-302
  distribution of deposits, 23-4-302
  gross receipts — tax on, report to department of commerce, 23-4-304
  minors, permitting participation unlawful, 23-4-301
  over and under payment, disposition of excess, 23-4-304
  pay-out, 23-4-302
  permitted when, 23-4-301
  rake-off, 23-4-302
  rulemaking authority of board of horseracing, 23-4-104
  supervision by board of horseracing, 23-4-104
  tax on
    bets, licensee may withhold, 23-4-303
    gross receipts, disposition, 23-4-304
  unclaimed money, disposition, 23-4-305
Race meets
  days and times lawful, 23-4-203
  distance of race, exceeding maximum unlawful, 45-8-211
  licenses, See **Licenses for race meets**
  Montana-bred horses, special competition, 23-4-204
  supervision, 23-4-104, 23-4-105
Rendering plants, See **RENDERING OR DISPOSAL PLANTS**
Roundups, See **LIVESTOCK, Roundup of abandoned horses**
Running at large, See **HERD DISTRICTS; LIVESTOCK**
Strays, See **LIVESTOCK, Estrays**
Table wine sales, special permits for — fees, 16-4-301, 16-4-501
Taxation, See **TAXATION**
Times when race meets lawful, 23-4-203
Violation of horseracing laws generally, penalty, 23-4-201, 23-4-202

HORTICULTURE

  See also **FOOD AND FOOD PRODUCTS**, generally

Agriculture, Department of
  apples, inspection and certification, 80-3-201
  barberry, harmful — duty to destroy, 80-7-303
  bean storage
    appeals from decisions regarding, 80-3-512
    dealer records, form and inspection, 80-3-508

HORTICULTURE (Continued)

- **Agriculture, Department of** (Continued)
  - bean storage (Continued)
    - enforcement by, 80-3-512
    - hearings, 80-3-512
    - investigations, 80-3-512
    - licenses
      - application forms, 80-3-504
      - bond requirements for applicants, 80-3-505
      - issuance and fee, 80-3-503
    - reports, requirements, 80-3-508, 80-3-509
    - rules prescribed by, 80-3-509
    - warehouse receipt forms and reports, 80-3-508
  - crates, fumigation or seizure, 80-7-201
  - duties generally, 80-1-102
  - fruit pests and diseases, rules regarding, 80-7-201
  - grades for farm products
    - enforcement, rules for, 80-3-110
    - establishment, 80-3-104
    - fees for inspection, 80-3-110
    - products or premises where kept, entry and inspection, 80-3-109, 80-3-110
  - importation of plants or seeds, restrictions regarding, 80-7-207
  - infected fruits and vegetables, condemnation and confiscation, 80-7-204
  - insect pests — investigation of source, control, and destruction, 80-7-203
  - inspectors of fruit pests, appointment, 80-7-202
  - orchard diseases, eradication expenses, 80-7-206
  - quarantine of orchards, 80-7-205
- **Apiaries, pollination**, See **APIARIES**
- **Apples**
  - boxes
    - short, to be marked, 80-3-206
    - standard size, 80-3-205
  - bulk, designation of grade, 80-3-204
  - certification, 80-3-201
  - containers, marking, 80-3-203
  - grades, enumeration, 80-3-202
  - inspection, 80-3-201
  - penalty for violations, 80-3-207
- **Associations**, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**
- **Barberry control**
  - destruction, 80-7-303
  - "harmful barberry" defined, 80-7-301
  - traffic in or permitting to exist, unlawful, 80-7-302
  - violation, penalty, 80-7-304
- **Beans, dry**, See **Bean storage**; **Grades and brands**, generally; See also **AGRICULTURAL SEEDS**, generally
- **Bean storage**
  - application of provisions, 80-3-502
  - bailment, storage constitutes, 80-3-511
  - bond requirements, 80-3-505
    - suit on bond, 80-3-506
  - conversion, 80-3-511, 80-3-513
  - dealers
    - complaints against, 80-3-512
    - duty to maintain proper amount of beans, 80-3-511
    - records, 80-3-508, 80-3-512
  - definitions, 80-3-501
  - enforcement of provisions, 80-3-512
  - fire insurance required when, 80-3-505
  - grading required, 80-3-510

HORTICULTURE (Continued)

Bean storage (Continued)
- licenses
  - applicants
    - bond requirements, 80-3-505
    - qualifications, 80-3-504
  - applications, 80-3-504
  - fee, 80-3-503
  - issuance, 80-3-503, 80-3-504
  - lack of, 80-3-513
  - refusal, 80-3-504
  - renewal, 80-3-503
  - suspension or revocation, 80-3-512
- penalties for violations, 80-3-513
- reports, 80-3-508, 80-3-509, 80-3-512
- rules, 80-3-509
- warehouse inspection and fee, 80-3-507, 80-3-512
- warehouse receipts
  - forms and reports, 80-3-508, 80-3-512
  - grading, specification on, 80-3-510
  - holder, entitlement, 80-3-511

Berries, weight, 30-12-302, 30-12-408

Brands for farm products, See **Grades and brands**

Cherries, See generally **Grades and brands**; **Orchards**

Commission merchants, 30-11-401

Cooperative associations, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS**

Culls, See generally **Apples**; **Grades and brands**

Disease control for fruits and vegetables
- fruit pests, See **Orchards**
- importation and sale of infected fruits and vegetables prohibited, 80-7-204
- importation restrictions, 80-7-207
- infected districts, receiving products from — prohibited, 80-7-209
- insect pests, 80-7-203, 80-7-207, 80-7-208
- inspectors, 80-7-202
- orchards, See **Orchards**
- quarantines against insect pests and plant diseases
  - in other states, 80-7-207
  - within the state, 80-7-208
- violations and penalty, 80-7-210

Dry beans, See **Bean storage**; **Grades and brands**, generally; See also **AGRICULTURAL SEEDS**, generally

Farmers markets, See **PUBLIC MARKETS**

Farm products, standard grades and brands, See **Grades and brands**

Fertilizers, See **COMMERCIAL FERTILIZERS**

Flower seeds, See **AGRICULTURAL SEEDS**

Food laws, applicability, 50-31-103

Fruit, See also **Apples**; **Disease control for fruits and vegetables**; **Grades and brands**, generally
- weight, 30-12-302, 30-12-408

Fruit trees, See **Disease control for fruits and vegetables**; See also **NURSERIES AND NURSERYMEN**

Grades and brands
- advertisements, statement in, 80-3-107, 80-3-111
- apples, See **Apples**
- beans, See **Bean storage**
- conformity, 80-3-103
- culls, labeling, 80-3-105
- definitions, 80-3-101
- enforcement, rules for, 80-3-110
- establishment, notice requirements, 80-3-104
- lack of, unlawful, 80-3-106
- limitation, 80-3-103

HORTICULTURE (Continued)

Grades and brands (Continued)
  oranges, 80-3-105
  products
    condition, inspection, 80-3-108 — 80-3-110
    premises, entry, 80-3-109
  purpose of provisions, 80-3-102
  required, 80-3-105
  seed purposes, for — labeling, 80-3-105
  tags, use of, 80-3-106
  violation and penalties, 80-3-106, 80-3-111
Hail insurance for crops, See **HAIL INSURANCE**, generally
Insect pests, See **Disease control for fruits and vegetables**; See also **INSECTS AND INSECT CONTROL, Control programs**
Inspectors
  crates, fumigation, 80-7-201
  fruit pests, for, 80-7-202
  nurseries or nurserymen, requests for inspections, 80-7-112
Itinerant merchants, See **ITINERANT MERCHANTS**
Labels, See **FOOD AND FOOD PRODUCTS, Labeling; Montana quality label**
Laborers, income tax withholding exemption, 15-30-201
Landscape architecture, nonapplicability of provisions, 37-66-105
Markets for produce, See **AGRICULTURAL ASSOCIATIONS; AGRICULTURAL MARKETING ASSOCIATIONS; PUBLIC MARKETS**
Merchants, See **ITINERANT MERCHANTS**
Montana quality label, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS**
Noxious plant management, See **WEEDS AND WEED CONTROL**
Nurseries and nurserymen, See **NURSERIES AND NURSERYMEN**
Orchards
  compliance with rules and orders, 80-7-131
  crates, use of, 80-7-201
  diseases, eradication expenses, 80-7-206
  disinfection of infected plants, trees, and fruits, 80-7-202
  fruit pests
    destruction, 80-7-201
    inspectors, 80-7-202
  gross vehicle weight fees, See **MOTOR VEHICLES**
  infected stock
    notification requirements, 80-7-113
    removal and assessment of costs, 80-7-114
  insect pests, 80-7-203
  inspectors, 80-7-202
  quarantines, 80-7-205
  violations
    evidence of, 80-7-201
    penalty, 80-7-210
Ornamental plants and shrubs, See **NURSERIES AND NURSERYMEN**
Pest control, See **Disease control for fruits and vegetables**
Pesticides Act, Title 80, chapter 8, See **PESTS AND PESTICIDES**
Pollination apiaries, See **APIARIES**
Potatoes, See **Grades and brands**, generally
Produce
  grading, See **Grades and brands**, generally
  wholesalers, See **PRODUCE WHOLESALERS**
Public markets for produce, See **PUBLIC MARKETS**
Quality label, Title 81, chapter 8, part 7, See **FOOD AND FOOD PRODUCTS, Montana quality label**
Quarantines, See **Disease control for fruits and vegetables; Orchards**
Shrubs, See **NURSERIES AND NURSERYMEN**
Societies, tax exemption, 15-6-201, 15-31-102
Standard grades and brands, See **Grades and brands**
Taxation, See **TAXATION, Agricultural**
Transporting, free or reduced rates of transportation for caretakers, 69-11-208

HORTICULTURE (Continued)

Trees, See **NURSERIES AND NURSERYMEN**
Vegetables
  city inspections, 7-21-4202
  disease control, See **Disease control for fruits and vegetables**
  execution, exemption, 25-13-612
  seeds, See **AGRICULTURAL SEEDS**
  weight, 30-12-301
Weed control management, See **WEEDS AND WEED CONTROL, Noxious plant management**
Weighing and measuring provisions, 30-12-301, 30-12-302, 30-12-408
Wholesalers, See **PRODUCE WHOLESALERS**

HOSPITAL DISTRICTS

Annexation of land, Title 7, chapter 34, part 21
Board of trustees, Title 7, chapter 34, part 21
Bonds, Title 7, chapter 34, part 21
Budget, Title 7, chapter 34, part 21
Creation, See **Elections**; **Petitions**
Definitions, 7-34-2102
Dissolution, Title 7, chapter 34, part 21
Elections, Title 7, chapter 34, part 21
Facilities, admission to, Title 7, chapter 34, part 21
Hearings, Title 7, chapter 34, part 21
Petitions, Title 7, chapter 34, part 21
Powers, Title 7, chapter 34, part 21
Purpose of provisions, 7-34-2101
Tax levy, Title 7, chapter 34, part 21
Trustees, See **Board of trustees**
Withdrawal of land, Title 7, chapter 34, part 21

HOSPITALIZATION INSURANCE

See generally **HEALTH SERVICE CORPORATIONS; INSURANCE — CASUALTY; INSURANCE — DISABILITY**

HOSPITALS AND RELATED FACILITIES

See also **HEALTH CARE FACILITIES**, generally

Abortion, refusal to participate based on religious or moral convictions, 50-20-111
Alcoholism treatment, insurance coverage, See **INSURANCE — DISABILITY, Mental illness, alcoholism, and drug addiction — coverage for**
Alteration of facility, See **HEALTH CARE FACILITIES, Construction, alteration, or expansion**
Autopsy records, 50-21-104, See also **AUTOPSIES**
Battered spouses programs, 40-2-404
Blood or blood products, liability, 50-33-101 — 50-33-104
Boulder River School and Hospital, See **DEVELOPMENTALLY DISABLED PERSONS**
Building, See **Construction**
Certificate of need, 50-5-101, 50-5-301, See also **HEALTH CARE FACILITIES, Certificate of need**
Civil defense, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Communicable disease hospital, local health officer in charge, 50-2-118
Construction
  funding, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
  generally, See **HEALTH CARE FACILITIES**
  state plan, See **HEALTH CARE FACILITIES, State plan**
County districts, See **HOSPITAL DISTRICTS**
County financing, Title 7, chapter 34, part 24

HOSPITALS AND RELATED FACILITIES (Continued)

County operation, Title 7, chapter 34, parts 22 and 25
  bond issues, applicability of laws, 50-5-411
  federal funds, joint applications for, 50-5-411
Defined, 50-5-101, See also **HEALTH CARE FACILITIES**
Dental hygienists, practice in, 37-4-405
Detention hospitals, 7-34-4101
Development, See **HEALTH CARE FACILITIES; INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Dimethyl sulfoxide, use, 50-42-103, 50-42-104, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dimethyl sulfoxide**
Disasters, See **EMERGENCIES AND EMERGENCY POWERS**, generally
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Districts, See **HOSPITAL DISTRICTS**
DMSO, use, 50-42-103, 50-42-104, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Dimethyl sulfoxide**
Domestic violence programs, 40-2-404
Drug addiction treatment, insurance coverage, See **INSURANCE — DISABILITY, Mental illness, alcoholism, and drug addiction — coverage for**
Emergencies and emergency powers, See also **EMERGENCIES AND EMERGENCY POWERS**, generally
  minors
    consent for care, 41-1-402, 41-1-405
    psychiatric or psychological counseling, 41-1-407
    responsibility and immunity of facility, 41-1-407
Expansion of facility, See **HEALTH CARE FACILITIES, Construction, alteration, or expansion**
Federal aid, See **HEALTH CARE FACILITIES, State Medical Facility Plan**
Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Galen State Hospital, See **GALEN STATE HOSPITAL**
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
Home health care, insurance coverage for, 33-22-1001 — 33-22-1003, See also **INSURANCE — DISABILITY**
Inspection waiver, 50-5-103, 50-5-231
Insurance
  information and privacy protection, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
  professional liability, See **INSURANCE — CASUALTY, Professional liability**
Laboratories
  confidentiality of tests and reports, penalty for violation, 40-1-208
  inspection for licensing, exemption, 50-5-231
  premarital examinations
    approval of laboratory for, 40-1-206
    confidentiality of tests and reports, 40-1-208
    medical certificate, forms, 40-1-204
    penalty for violations, 40-1-208
    reports, 40-1-206
    serological test required, 40-1-204
  serological test given by, 40-1-204
Laetrile, use, 50-41-103, 50-41-104
Liability, professional, See **INSURANCE — CASUALTY, Professional liability; MALPRACTICE, MEDICAL**
  medical, See **INSURANCE — JOINT UNDERWRITING ASSOCIATIONS**
  professional, See **INSURANCE — CASUALTY; MALPRACTICE, MEDICAL**
Licensing of facility, 50-5-101, 50-5-103, 50-5-201, 50-5-231, See also **HEALTH CARE FACILITIES**
Liens for services, See **LIENS, Physicians, nurses, and hospitals — liens of**
Liquor, allowances and restrictions, 16-1-204, 16-6-309
Malpractice, See **INSURANCE — CASUALTY, Professional liability; MALPRACTICE, MEDICAL**
Medicaid, See **PUBLIC ASSISTANCE**
Medical records, See **Records**

HOSPITALS AND RELATED FACILITIES (Continued)

Mental illness, treatment — insurance coverage, See **INSURANCE — DISABILITY, Mental illness, alcoholism, and drug addiction — coverage for**
Mentally ill persons, See **MENTALLY ILL PERSONS, Institutionalization; Warm Springs State Hospital**
Minors
  consent for health services, 41-1-402
  financial responsibility, 41-1-404
  information released when, 41-1-403
  mental health care, 41-1-407
  responsibility and immunity of facility, 41-1-407
Municipal detention hospitals, See **Detention hospitals**
Negligence in treatment of minors, liability, 41-1-407
Nursing homes, See **NURSING HOMES**
Operation generally, 50-5-101, 50-5-103, See also **HEALTH CARE FACILITIES**, generally
Patients, free or reduced rates for transportation, 69-11-208
Payment for services
  liens, See **LIENS, Physicians, nurses, and hospitals — liens of**
  medicaid, See **PUBLIC ASSISTANCE**
Physical therapist licensees, list distributed to, 37-11-201
Physicians, prohibitions or limitations on practice — reporting, 37-3-403
Prisoners in, 50-2-121
Professional liability, See **INSURANCE — CASUALTY; MALPRACTICE, MEDICAL**
Records, See also **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS, Health care records; HEALTH CARE FACILITIES**
  autopsies, 50-21-104
  confidentiality
    generally, See **CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS**
    staff committee records, 50-16-203 — 50-16-205
  information and privacy protection, See **INSURANCE, Information and privacy protection**
  staff committee access, 50-16-202
    confidentiality, 50-16-203 — 50-16-205
    "data" defined, 50-16-201
    inadmissibility, 50-16-205
    publication of information, 50-16-204
    purpose of provisions, 50-16-202
    use of information, 50-16-204
Renovation, See **Construction**
Reports, See **HEALTH CARE FACILITIES**
Smoking in, regulation, 50-40-106, See also **PUBLIC ACCOMMODATIONS, Smoking areas**
State plan, See **HEALTH CARE FACILITIES, State Medical Facility Plan**
Sterilization, See **STERILIZATION**
Taxation, exemption, 15-6-201
Tuberculosis patients
  release, notice, 50-17-113
  transfer to another hospital, notice, 50-17-111
Tumor registry, See **VITAL STATISTICS**
Warm Springs State Hospital, See **MENTALLY ILL PERSONS**

HOSTAGES

See **CRIMES, Kidnapping**

HOSTILE ACTION

See **EMERGENCIES AND EMERGENCY POWERS**, generally

HOSTILE WITNESSES

See **EVIDENCE, Examination of witness**

HOTELS AND LODGING ESTABLISHMENTS

- **Agisters' liens**, See **LIENS**
- **Alcoholic beverages**, restrictions, 16-3-105, 16-3-305
- **Baggage**, See **Property of guests**
- **Beer**, restrictions, 16-3-105, 16-3-305
- **Blind persons**, rights concerning, See **BLIND OR VISUALLY HANDICAPPE PERSONS**, generally
- **Construction standards**, 50-51-103
- **Cooperation between governmental agencies for regulation**, 50-51-104
- **County attorney**, prosecution of violations, 50-51-105
- **Criminal charges**, 50-51-106, See also **Violations**
- **Definitions**, 50-51-102
- **Discriminatory practices prohibited**, See **DISCRIMINATION**, generally
- **Enforcement of provisions**, See also **Violations**
  - cancellation of license, by, 50-51-209, See **Licensing**
  - county attorney, authority, 50-51-105
  - department of health and environmental sciences, authority, 50-51-103
  - inspections, 50-51-101, 50-51-301, See **Inspections**
  - investigations, 50-51-107, 50-51-301
- **Fire**
  - property loss or damage by, 70-6-503 — 70-6-505
  - safety regulation, 50-51-103, 50-61-103, See **FIRES AND FIRE PROTECTION**, generall
- **Funding of inspection functions**, 50-51-303
- **Furnishings**, 50-51-103
- **Game animals or birds**, possession and sale for commercial purposes, 87-4-701 — 87-4-705
- **Health and Environmental Sciences, Department of**
  - cooperative agreements with governmental agencies, 50-51-104
  - inspections by, 50-51-301 — 50-51-303
  - investigations by, 50-51-107, 50-51-301
  - licenses
    - alteration by, 50-51-213
    - applications to and forms prescribed by, 50-51-202
    - cancellation by, 50-51-209, 50-51-213
    - correction plan to, 50-51-210
    - destruction by, 50-51-213
    - fee to, 50-51-204
    - issuance by, 50-51-201, 50-51-214
    - list of licensees to, 50-51-208
  - local boards of health, annual payments for inspections, 50-51-303
  - rulemaking authority, 50-51-103, 50-51-301
  - violations
    - cancellation of license, 50-51-209, 50-51-213
    - notice to licensees, 50-51-210
- **Health**, protection as purpose of regulation, 50-51-101
- **Housekeeping**, 50-51-103
- **Inspections**
  - access to premises for health officers, 50-51-302
  - authority, 50-51-301
  - funding, 50-51-303
  - purpose, 50-51-101
- **Investigations**
  - authority, 50-51-301
  - nursing services, complaint regarding provision, 50-51-107
- **Landlord-tenant provisions**, applicability, 70-24-104
- **Licensing**
  - application, 50-51-202, 50-51-204
  - cancellation, 50-51-209 — 50-51-213
  - correction, plan of, 50-51-210
  - denial, 50-51-211, 50-51-212, 50-51-214, 50-51-215
  - destruction of license by department of health and environmental sciences, 50-51-213
  - expiration, 50-51-207
  - fee, 50-51-204, 50-51-205
  - hearings on cancellation or denial, 50-51-211, 50-51-215

HOTELS AND LODGING ESTABLISHMENTS (Continued)

Licensing (Continued)
  list of licensees to department of health and environmental sciences, 50-51-208
  local health officers, refusal by, 50-51-214, 50-51-215
  multiple-type establishments, 50-51-201, 50-51-212, 50-51-213
  nontransferable, 50-51-206
  renewal, 50-51-203
  required, 50-51-201
  separate licenses for each establishment, 50-51-201
  validation by local health officers, 50-2-118, 50-51-214
Liens of
  agisters, See **LIENS**
  hotel, See **LIENS**
Liquor, restrictions, 16-3-105, 16-3-305
Local health officers, authority, See **HEALTH OFFICERS, LOCAL**
Long-term care facility, exclusion as, 50-5-101, 50-51-107
"Motel" defined, 50-51-102
Nursing services, provision prohibited, 50-5-101, 50-51-107
Offenses, See **Violations**
Outbuildings, guests' property stored in, 70-6-505
Parks, within, 69-14-559
Prohibited practices, See **Violations**
Property of guests
  fire, loss or damage by, 70-6-503 — 70-6-505
  liability, 70-6-501, 70-6-504
  negligence, 70-6-501 — 70-6-503
  notice to guest of liability limitations, 70-6-501, 70-6-504
  outbuildings, property stored in, 70-6-505
  safe for, 70-6-504
  unclaimed
    lien for storage, 70-9-501
    sale, 70-9-501, 70-9-502
    surplus proceeds, 70-9-502
Purpose of provisions, 50-51-101
Railroads, maintained by, 69-14-559
Registration and supervision, 50-51-103
"Retirement home" defined, 50-51-102
"Roominghouse" defined, 50-51-102
Rulemaking authority, 50-51-103, 50-51-301
Safe for guest's property, 70-6-504
Sanitarians, duties, See **SANITARIANS**
Sanitation, 50-51-103
Taxation, See **TAXATION**
"Tourist home" defined, 50-51-102
Violations
  cancellation of license, 50-51-209, 50-51-211
  corrections, plan of, 50-51-210
  criminal charges, 50-51-106
  hearing, 50-51-211
  penalties, 50-51-106, 50-51-209
  prosecution, 50-51-105
  written statement not required, 50-51-211
Visually handicapped persons, rights concerning, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Water supply, 50-51-103

HOT PURSUIT

  See **ARREST, Close pursuit**

HOT SPRINGS, 50-53-102

  See **SWIMMING POOLS AND SWIMMING AREAS**

HOUSEBOATS

See **BOATS AND BOATING**, generally

HOUSE OF REPRESENTATIVES

See **LEGISLATURE**; See also generally **PUBLIC OFFICERS REAPPORTIONMENT COMMISSION**

HOUSES OF ILL FAME

See **CRIMES**, **Prostitution**

HOUSE-TO-HOUSE SALES

See **SALES**, **Personal solicitation**

HOUSETRAILERS

See **MOBILE HOMES, TRAILERS, AND TRAILER PARKS**; See also **MOTOR VEHICLE REGISTRATION**, generally; **MOTOR VEHICLES**, **Gross vehicle weight fees**; **TRAFFIC REGULATIONS**

HOUSING

Authorities, See **HOUSING AUTHORITIES — COUNTY**; **HOUSING AUTHORITIES — MUNICIPAL**
Blighted areas, rehabilitation, See **URBAN RENEWAL**
Blind persons, rights concerning, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Board of Housing
  allocation, 2-15-1814
  audit, annually, 90-6-124
  composition, 2-15-1814
  conflict of interest, applicability to members, 2-15-1814
  lower income housing development, authority, See **Lower income, development**
  meetings, 90-6-105
  officers and staff, 2-15-1814
  quasi-judicial, designation as, 2-15-1814
  rules, 90-6-105
  seal, 90-6-104
Building codes, See **BUILDINGS AND BUILDING REGULATIONS**
Cities and towns, general provisions, Title 7, chapter 15, part 41
Commerce, Department of — development functions, 90-1-106, See also **Lower income, development**
Condominiums, See **CONDOMINIUMS**
Development
  commerce, department of — functions, 90-1-106
  lower income, See **Lower income, development**
  multifamily, 90-5-101, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
  retirement, See **Lower income, development**
Disaster victims, temporary housing for, 10-3-103, 10-3-313
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Eminent domain, effect, See **EMINENT DOMAIN**
Financing, lower income, See **Lower income, development**; See also specific lending institution main categories; **LOANS**, **Real estate**
Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Home weatherization, See **ENERGY**, **Weatherization programs**
Hotels, See **HOTELS AND LODGING ESTABLISHMENTS**
Housing, Board of, See **Board of Housing**

HOUSING (Continued)

"Housing accommodation" defined, 49-4-203
Housing Act of 1975, Title 90, chapter 6, part 1, See **Lower income, development**
Landlord-tenant relations, See **LANDLORD AND TENANT**
Lower income, development
  accounting system, 90-6-110
  accounts, See specific account
  appropriations, 90-6-120
  approval of programs, criteria, 90-6-109
  authorities for, See **HOUSING AUTHORITIES — COUNTY; HOUSING AUTHORITIES — MUNICIPAL**
  board of housing
    accounts, 90-6-107
    approval of programs, 90-6-109
    audit, annual, 90-6-124
    bond and negotiable instrument issues, 90-6-111 — 90-6-116, 90-6-118, 90-6-121
    financing programs, 90-6-108
    loans by, 90-6-108
    meetings, 90-6-105
    powers generally, 90-6-104
    rules, 90-6-104 — 90-6-106, 90-6-127
    sponsor approval, 90-6-103
    sponsors, supervision, 90-6-110
    tenant relocation, 90-6-103
  bonds and negotiable instrument issues
    allocation, 90-6-127
    authorization, 90-6-111
    cancellation, 90-6-115
    capital reserve account
      proceeds to, 90-6-119
      security, as, 90-6-119
    credit of state not pledged, 90-6-123
    defined, 90-6-103
    impairment, pledge of state, 90-6-126
    liability, 90-6-114
    negotiability, 90-6-117
    pledge to secure, 90-6-112, 90-6-113
    public fund deposits, security for, 17-6-103, 17-6-211
    refunding bonds, 90-6-111
    resolution, 90-6-111, 90-6-112
    sale, 90-6-119
    security, 90-6-112, 90-6-113, 90-6-116, 90-6-119
    signature, 90-6-118
    taxation, 90-6-125
    terms, 90-6-111
    total amount, 90-6-111
    trust indenture to secure, 90-6-116
    uniform commercial code, applicability, 90-6-117
  capital reserve account
    appropriations to, 90-6-120
    creation, 90-6-107
    maintenance, 90-6-120
    revenue to, 90-6-119
    use, 90-6-119
  chronic economic distress, designation of areas, 90-6-127
  citation of housing act of 1975, 90-6-101
  commerce, department of
    functions, 90-1-106
    liability, 90-6-114
    revenue bonds, administrative personnel, 90-6-112
  costs of development, 90-6-110
  credit of state not pledged, 90-6-123
  definitions, 90-6-103, 90-6-119

HOUSING (Continued)

Lower income, development (Continued)
    federal sums in lieu of taxes, 17-3-301 — 17-3-305
    financing programs, 90-6-108
    housing finance account
        creation, 90-6-107
        investment income, deposit to, 90-6-104
        use, 90-6-107
    inspection, 90-6-110
    legislative intent, 90-6-102
    liability, 90-6-123
    maintenance, 90-6-110
    purpose, 90-6-102
    qualifications, 90-6-109
    real estate broker provisions, licensing exemption, 37-51-103
    records, 90-6-110
    refunding obligations
        impairment, pledge of state, 90-6-126
        issuance, 90-6-121
        sale, 90-6-122
        taxation, 90-6-125
    resettlement projects, 17-3-301 — 17-3-305
    resident selection, 90-6-110
    revolving account, 90-6-107
    rules
        administrative procedure act, to be in accordance with, 90-6-105
        authority to make, 90-6-104
        cost of development, 90-6-110
        scope, 90-6-106
    sponsor
        defined, 90-6-103
        supervision, 90-6-110
    standards, 90-6-110
    state liability, 90-6-123
    taxation on revenue obligations, 90-6-125, See also **STATE FINANCE, Federal sums in lieu of taxes**
Mining operations which jeopardize, 82-4-227, 82-4-402
Mobile homes, See **MOBILE HOMES, TRAILERS, AND TRAILER PARKS**
Motels, See **HOTELS AND LODGING ESTABLISHMENTS**
Multifamily, 90-5-101, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**; See also **HOUSING, Lower income, development**
Projects, See **Lower income, development**
Public housing, See **Lower income, development**
Rental, See **Lower income, development; LANDLORD AND TENANT**
Resettlement projects, 17-3-301 — 17-3-305
Retirement housing, See **Lower income, development; HOTELS AND LODGING ESTABLISHMENTS**
Roominghouses, See **HOTELS AND LODGING ESTABLISHMENTS**
Senior citizens, housing for, See **Lower income, development; HOTELS AND LODGING ESTABLISHMENTS**
Taxes, federal sums in lieu of, 17-3-301 — 17-3-305
Temporary housing for disaster victims, 10-3-103, 10-3-313
Trailers, See **MOBILE HOMES, TRAILERS, AND TRAILER PARKS**
Unit Ownership Act, Title 70, chapter 23, See **CONDOMINIUMS**
Urban renewal, See **URBAN RENEWAL**
Visually handicapped persons, rights concerning, See **BLIND OR VISUALLY HANDICAPPED PERSONS**, generally
Weatherization, See **ENERGY**
Winterizing, See **ENERGY, Weatherization programs**

HOUSING ACT OF 1975, Title 90, chapter 6, part 1

    See **HOUSING, Lower income, development**

HOUSING AUTHORITIES — COUNTY

Administration, Title 7, chapter 15, part 21
Commissioners, Title 7, chapter 15, part 21
Creation, Title 7, chapter 15, part 21
  petition, See **Petition to create**
Criteria for determining unsafe or unsanitary dwellings, Title 7, chapter 15, part 21
Findings, 7-15-2101
Incorporation, Title 7, chapter 15, part 21
Laws controlling, 7-15-2114
Operation, Title 7, chapter 15, part 21
Petition to create, Title 7, chapter 15, part 21
Policy, 7-15-2101
Rentals in lieu of taxes, 7-15-2115
Rural housing projects, Title 7, chapter 15, part 21
Taxation on obligations of, 90-6-125

HOUSING AUTHORITIES — MUNICIPAL

Bonds, Title 7, chapter 15, part 45
  public fund deposits, security for, 17-6-103, 17-6-211
  taxation, 90-6-125
Boundaries, Title 7, chapter 15, part 44
Commissioners, Title 7, chapter 15, part 44
Cooperation, Title 7, chapter 15, part 44
Creation, Title 7, chapter 15, part 44
  petition, See **Petition to create**
Criteria for determining unsafe or unsanitary dwellings, Title 7, chapter 15, part 44
Definitions, 7-15-4402
Dissolution, Title 7, chapter 15, part 44
Federal contracts, Title 7, chapter 15, part 44
Findings, 7-15-4401
Funding, Title 7, chapter 15, part 44
Incorporation, Title 7, chapter 15, part 44
Low-rent housing for elderly, Title 7, chapter 15, part 44
Obligees, remedies, Title 7, chapter 15, part 45
Overlapping, Title 7, chapter 15, part 44
Payments to local and state entities, Title 7, chapter 15, part 44
Petition to create, Title 7, chapter 15, part 44
Policy, 7-15-4401
Powers, Title 7, chapter 15, part 44
Projects, Title 7, chapter 15, part 44
Property, Title 7, chapter 15, part 44
Rentals in lieu of taxes, Title 7, chapter 15, part 44
Taxation on obligations of, 90-6-125

HOUSING AUTHORITIES LAW

See generally **HOUSING AUTHORITIES — COUNTY; HOUSING AUTHORITIES — MUNICIPAL**

HOUSING, BOARD OF

See **HOUSING**

HUCKSTERS

See also **ITINERANT MERCHANTS**, generally

Defined, 7-21-2501
Execution, exemption, 25-13-612
Licensing, Title 7, chapter 21, part 25
Scope of provisions, 7-21-2502

HUMAN REMAINS

See **CORPSES**

HUMAN RESOURCES DEVELOPMENT

See generally **PUBLIC ASSISTANCE; SOCIAL AND REHABILITATIO SERVICES, DEPARTMENT OF**

HUMAN RIGHTS

See generally **DISCRIMINATION; OFFENDERS, FORMER; RIGHTS**

HUMAN RIGHTS ACT, Title 49, chapter 2

See **DISCRIMINATION**, generally

HUMAN RIGHTS, COMMISSION FOR

See **DISCRIMINATION**

HUMAN SERVICES

See also generally **INSTITUTIONS; PUBLIC ASSISTANCE; SOCIAL AND REHABILITATION SERVICES, DEPARTMENT OF**

Delivery system, Title 53, chapter 10, part 1
Glendive nursing home, use, See **GLENDIVE NURSING HOME**

HUNTING AND HUNTERS

See also **FISH AND WILDLIFE**, generally

Aircraft, airports, or landing fields — use unlawful, 87-3-126
Animal calls or sounds, unlawful use, 87-1-102, 87-3-108
Auction of confiscated game, See **FISH AND WILDLIFE, Confiscated birds and animals**
Bag limits, 87-1-304, 87-3-403
Bird calls or sounds, unlawful use, 87-1-102, 87-3-108
Blinds, hunting waterfowl from, 87-3-401
Boats, use unlawful, 87-3-126
Boone and Crockett trophy institute, 87-3-307
Bow and arrow hunting, See **FISH AND WILDLIFE, Bow and arrow**
Certificate of competency requirements, 87-2-105
Checking stations
    inspections of fish, game, or license in possession, 87-1-207, 87-1-208
    penalty for failure to stop and report, 87-1-208
Closed seasons, hunting unlawful, 87-1-102, 87-3-104
Closure of areas for, 87-1-304
Clothing, color requirements, 87-1-102, 87-3-302
Confiscated game auctions, See **FISH AND WILDLIFE, Confiscated birds and animals**
Contests prohibited, 87-1-102, 87-3-121, 87-3-307
Dead animals, dumping or leaving, 75-10-212, 75-10-233
Deadfall, use prohibited when, 87-3-127
Decoys, 87-3-401
Deer
    city limits, unlawful to take in, 87-3-305
    shotguns
        hunting with, only, 87-1-304
        load regulations, 87-3-301
Dogs
    field trials, permission for, 87-3-124

HUNTING AND HUNTERS (Continued)

Dogs (Continued)
  hunting with, restrictions, 87-3-124
  preserves, dogs chasing animals or birds in — unlawful, 87-5-401
Dressing game, waste unlawful, 87-1-102, 87-3-102
Dumping garbage, dead animals, or refuse, 75-10-212, 75-10-233
Easement for, 70-17-101, 70-17-102
Federal preserves, hunting rights on contiguous land, 87-1-227
Federal territory, rights within, 2-1-202
Fences
  damage prohibited, 87-1-102
  failure to close as criminal mischief, 45-6-101
Field trials, permission for, 87-3-124
Firearms, See **WEAPONS**, **Firearms**
Fire danger areas, hunting prohibited, 87-3-106
Floodways, areas within, See **FLOODPLAINS AND FLOODWAYS**, **Uses within**, generally
Fort Peck Dam territory, rights within, 2-1-209
Frozen food lockers
  declaration of contents, 50-50-401
  violations of game laws, liability of owner, 50-50-402
Game animals, See **FISH AND WILDLIFE**; See also **FISH AND GAME LICENSES AND PERMITS**, **Hunting licenses**
Game birds, See **FISH AND WILDLIFE**; See also **FISH AND GAME LICENSES AND PERMITS**, **Hunting licenses**
Game preserves
  federal, rights on contiguous lands, 87-1-227
  hunting allowed when, 87-5-401
  unlawful when, 87-5-406
Garbage, dumping or leaving, 75-10-212, 75-10-233
Garments, color requirements, 87-1-102, 87-3-302
Gates, failure to close as criminal mischief — penalty, 45-6-101, 87-1-102
Gates of the Mountains game preserve, hunting unlawful, 87-5-406
Guides for hunting parties, See **OUTFITTERS AND GUIDES**
Helicopters or heliports, use unlawful, 87-3-126
Highways, hunting on or from — unlawful, 61-8-369, 87-1-102, 87-3-101
"Hunter orange" defined, 87-3-302
Hunter safety course requirements, 87-2-105
Indian lands, privileges upon, 87-1-228
Injured person, failure to assist, 45-8-113
Inspection of game or license, 87-1-502
Jacklights unlawful, 87-1-102, 87-3-101
Landlord-tenant relationships, applicability, 70-24-104
Land or water for, See also **Property owner's rights**
  acquisition for public hunting areas, 87-1-209
  closure, 87-1-304, 87-1-305
  rules for recreational use, 87-1-303
License or permit to be in possession, 87-1-102, 87-2-109
Licenses for, See **FISH AND GAME LICENSES AND PERMITS**
Lights, artificial — use unlawful, 87-1-102, 87-3-101
Limitation on number of animals killed when, 87-1-102, 87-3-103
Littering unlawful, 75-10-212, 75-10-233, 87-1-102, 87-2-112
Livestock injuries, hunters' liability, 87-3-107
Minors
  licensing, See **FISH AND GAME LICENSES AND PERMITS**
  safety instruction course requirements, 87-2-105
Negligent hunting, 45-8-113
Nonresidents
  landowner's permission, failure to acquire, 87-1-102, 87-3-304
  licensing, See **FISH AND GAME LICENSES AND PERMITS**
  raptors, provisions regarding, 87-5-208
  state policy respecting, 87-3-303
Off-road vehicle use, See **Vehicles**

HUNTING AND HUNTERS (Continued)

- **Outfitters for hunting parties**, See **OUTFITTERS AND GUIDES**
- **Overkill**, unlawful, 87-1-102, 87-3-103
- **Ownership of animal**, 70-2-111
- **Permission required when**, 87-1-102, 87-3-304
- **Poaching unlawful**, 87-1-102, 87-2-103
- **Possession**
  - ownership by, 70-2-111
  - unlawfully killed game, 87-1-102, 87-3-112
- **Predator control by**, See **PREDATORS AND PREDATOR CONTROL**
- **Preserves, game**, See **Game preserves**
- **Private land**, hunting on, See **Property owner's rights**
- **Privileges**
  - forfeited when, 87-1-102, 87-2-112
  - indian land, upon, 87-1-228
- **Prizes prohibited**, 87-3-121
- **Property owner's rights**, See also **FISH AND WILDLIFE, Landowners**
  - big game, owner's consent required, 87-3-304
  - consideration for permission, 70-16-301
  - defined as "recreational purpose", 70-16-301
  - entry upon land a privilege, 45-6-201
  - gates, failure to close, 45-6-101
  - liability of owner upon permission, 70-16-302
  - motor vehicle use, control, 87-3-125
  - penalty, 87-1-102
  - traps, owner's consent required, 87-2-604, 87-3-107
- **Public areas for hunting**, 87-1-209
- **Public shooting areas**, agreements for and payment, 87-1-227
- **Raptors**, provisions regarding, See **FISH AND WILDLIFE**
- **Refuse**, dumping or leaving, 75-10-212, 75-10-233
- **Reproduced sounds of bird or animal calls**, unlawful use, 87-1-102, 87-3-108
- **Rifles**, use restrictions for bird hunting, 87-3-401
- **Rules for**, establishment, 87-1-301
- **Safety**
  - colored garments, 87-3-302
  - instruction requirements, 87-2-105
- **Salt licks used to entice animals**, unlawful, 87-1-102, 87-3-101
- **Seasons for hunting**, See **FISH AND WILDLIFE, Seasons**, generally
- **Set guns unlawful**, 87-1-102, 87-3-101
- **Sex of animal**, destroying evidence of — unlawful, 87-1-102, 87-3-306
- **Shooting preserves**, See **FISH AND WILDLIFE, Shooting preserves**
- **Shotguns**
  - hunting with, only, 87-1-304
  - load regulations, 87-3-301
  - waterfowl, use restrictions, 87-3-401
- **Snare traps**
  - lawful when, 87-3-107
  - unlawful when, 87-1-102, 87-3-101
- **Spotlighting unlawful when**, 87-1-102, 87-3-122
- **Tagging carcasses**, 87-1-102, 87-2-509
- **Traps**, use unlawful, 87-1-102, 87-3-101
- **Unlawful taking, killing, possessing, transporting, shipping, labeling, packagin pursuing, hunting, trapping, shooting, or wasting** — penalty, 87-1-102, 87-2-103
- **Unlawful when**, 87-1-102, 87-3-104
- **Vehicles**
  - hunting from, unlawful, 61-8-369, 87-1-102, 87-3-101
  - restrictions on use, 87-3-125
- **Violations**
  - aircraft, airports, or landing fields — use, 87-3-126
  - animal calls or sounds, use, 87-1-102, 87-3-108
  - bird calls or sounds, use, 87-1-102, 87-3-108
  - boats, use, 87-3-126
  - checking stations, failure to stop and report, 87-1-208

HUNTING AND HUNTERS (Continued)

Violations (Continued)
  closed season, hunting during, 87-1-102, 87-3-104
  clothing, color requirements, 87-1-102, 87-3-302
  contests, 87-1-102, 87-3-121, 87-3-307
  deer, taking in city limits, 87-3-305
  fence damage, 45-6-101, 87-1-102
  food locker owner, liability, 50-50-402
  game preserves, hunting in — when, 87-5-406
  garments, color requirements, 87-1-102, 87-3-302
  gates, failure to close, 45-6-101, 87-1-102
  helicopters or heliports, use, 87-3-126
  highways, hunting on or from, 87-1-102, 87-3-101
  injured person, failure to assist, 45-8-113
  jacklights, use, 87-1-102, 87-3-101
  landowner permission, failure to have, 87-1-102, 87-3-125
  licensing, See **FISH AND GAME LICENSES AND PERMITS**, **Violations**
  lights, artificial — use, 87-1-102, 87-3-101
  littering, 87-1-102, 87-2-112
  livestock injuries, 87-3-107
  negligence, 45-8-113
  overkill, 87-1-102, 87-3-103
  permission of landowner, failure to have, 87-1-102, 87-3-304
  poaching, 87-1-102, 87-2-103
  possession of unlawfully killed game, 87-1-102, 87-3-112
  reproduced sounds of bird or animal calls, use, 87-1-102, 87-3-108
  salt licks to entice animals, use, 87-1-102, 87-3-101
  set guns, use, 87-1-102, 87-3-101
  sex of animal, destroying evidence of, 87-1-102, 87-3-304
  snare traps, use, 87-1-102, 87-3-101
  spotlighting, 87-1-102, 87-3-122
  tagging carcasses, failure to, 87-1-102, 87-2-509
  traps, use, 87-1-102, 87-3-101
  unlawful taking, killing, possessing, transporting, shipping, labeling, packaging, pursuing, hunting, trapping, shooting, or wasting of game, 87-1-102, 87-2-103
  vehicles, hunting from, 87-1-102, 87-3-101
  waste of game, 87-1-102, 87-3-102
Waste unlawful, 87-1-102, 87-3-102
Waterfowl, hunting with shotguns restricted, 87-3-401

HUSBAND AND WIFE

  See also **MARRIAGE**

Abandonment, liability for support following, 40-2-104
Abduction, suit for, 27-1-515
Abortion, notice to husband, 50-20-107
Actions
  capacity as parties, 25-5-201, 25-5-202, 40-2-106, 40-2-107, 40-2-109
  judgment, 25-9-102
Acts of spouse, liability for, 40-2-106
Adoption of children, See **ADOPTION**
Affinity, relationship by, 1-1-219
Alienation of affections, 27-1-601, See also **REMEDIES**, **Abolished causes of action**
Annulment of marriage, See **MARRIAGE**, **Declaration of invalidity**
Artificial insemination, determination of paternity as result of, 40-6-106
Autopsy, authorization of spouse, 50-21-103
Battered spouses grant programs
  creation, 40-2-401
  funds, 40-2-402, 40-2-405
  grants, criteria for, 40-2-403
  research and statistics, compilation, 40-2-402
  services authorized, 40-2-404

HUSBAND AND WIFE (Continued)

Battered spouses grant programs (Continued)
    social and rehabilitation services, department of
        duties, 40-2-402
        grants, criteria, 40-2-403
        services, authorization, 40-2-404
Battering, injunctive relief, 27-19-201, 40-4-106
Boats, liability of owner for negligent operation by spouse, 23-2-505
Children, See also **Minors, married**
    custody of when husband and wife living separate, 40-6-222 — 40-6-224
    education expenses, See **PARENT AND CHILD, Education of children**
    former marriage, children of — support liability, 40-6-217
    residence, rules for determining, 1-1-215
    support, See **Support**
Community property, See **Property**, individual
Conciliation of controversies, Title 40, chapter 3, See **CONCILIATION**
Conservator, married person as, 40-2-108
Contracts
    alteration of legal relation, limitation, 40-2-303
    liability of spouse, 40-2-302
    marriage, See **MARRIAGE, Contract of marriage**
    power to make, 40-2-301
    separation agreement, See **DISSOLUTION OF MARRIAGE**
    settlement contracts, See **Marriage**
    support, for, 28-2-202, 28-2-204
    trust provisions, applicability, 40-2-301
Conveyance of property between, See **Property**
Custodial interference, 45-5-304
Custody of children when husband and wife living separate, 40-6-222 — 40-6-224
Debts of spouses
    contracted before marriage, 40-2-208
    earnings and accumulations, liability when
        married persons, 40-2-205
        separated persons, 40-2-206
    gambling losses, civil action to recover, 23-5-132
    general liability, 40-2-106
    property, individual — liability when, 40-2-209
    wage assignment, consent of spouse required, 31-1-306, 32-5-310
    work and labor, liability when, 40-2-207
Declaration of invalidity, See **MARRIAGE**
Dissolution of marriage, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**
Divorce, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**
Domestic violence grant programs, See **Battered spouses grant programs**
Dwelling, exclusion of spouse from, 40-2-201
Earnings and accumulations
    exemption from debts, how determined, 40-2-210
    liability for debts
        married persons when, 40-2-205
        separated persons when, 40-2-206
    necessary articles, how determined, 40-2-210
    wage assignment, consent of spouse required, 31-1-306, 32-5-310
    work and labor of married person, 40-2-207
Education of children, See **PARENT AND CHILD**
Execution, effect of marriage, See **EXECUTION, Marriage**
Fiduciary, married person as, 40-2-108
Force, right to use — when, 49-1-103
Gambling losses, civil action for recovery by spouse, 23-5-132
Guardian, married person as, 40-2-108
Homesteads, 70-32-301, See **REAL PROPERTY, Homesteads**
Immunity to suit, 40-5-110
    interspousal, abolishment, 40-2-109
Individual property, See **Property**
Insurance, effectuation, 33-15-401

HUSBAND AND WIFE (Continued)

Interspousal tort immunity, abolishment, 40-2-109
Inventory of individual property, See **Property**, individual
Joint tenants, husband and wife as, 40-2-105
Judgment for or against married person, 25-9-102
  execution, See **EXECUTION**, **Marriage**
Judicial Standards Commission, conflict of interest in proceedings, 3-1-1108
Jurors, relationship grounds for challenge, 25-7-223
Legal relation, how altered, 40-2-303
Legal separation, Title 40, chapter 4, See **DISSOLUTION OF MARRIAGE**, **Separation agreement**
Liability for acts or debts of spouse, 40-2-106, 40-2-205 — 40-2-210
  boating accidents or violations, 23-2-505
Marriage
  contract, obligations, 40-2-101, 40-2-102
  generally, Title 40, chapter 1, See **MARRIAGE**
  obligations, 40-2-101, 40-2-102
  presumption, 26-1-602
  settlement contracts, 40-2-311 — 40-2-315
Medical care for married minors, See **MINORS**, **Medical care**
Minors, married, See also **Children**
  child abuse proceedings, husband-wife privilege suspended, 41-3-404
  consent and liability for medical care of spouse, 41-1-402, 41-1-404
  marriage settlement contracts, 40-2-315
  medical care, Title 41, chapter 1, part 4, See **MINORS**, **Medical care**, generally
Motorboats, liability of owner for negligent operation by spouse, 23-2-505
Necessaries
  compensation to third person for support when, 40-2-103
  contracts for, 28-2-202, 28-2-204
  determined how, 40-2-210
  earnings and accumulations liable for, 40-2-205, 40-2-206
  property, chargeable upon — when, 40-2-106
  property, individual — liability, 40-2-209
  separated persons — earnings and accumulations, liability for, 40-2-206
  work and labor of married person, 40-2-207
Nonsupport of spouse, 45-5-621
Obligations, 40-2-101
Parent and child relationship, See **PARENT AND CHILD**, generally
Paternity, establishment, Title 40, chapter 6, part 1, See **PATERNITY PROCEEDINGS**
Personal property, See **Property**, generally
Personal representative, married person as, 40-2-108
Power to act without consent of spouse when, 40-2-108
Pregnancy
  abortion, notice to husband, 50-20-107
  artificial insemination, determination of paternity, 40-6-106
  serological test results, report to husband, 50-19-107
Privileged communications, See **EVIDENCE**, **Privilege**
Property
  conveyance, 1-5-206, 40-2-202
    disabilities, removal, 1-5-206
    homestead, 70-32-301
    prior to 1900, presumption grantor had no wife, 70-20-316
    recording certificate provisions, inapplicable, 15-7-307
  debts, liability
    contracted before marriage, 40-2-208
    spouse's, chargeable upon property when, 40-2-106, 40-2-209
  deeds prior to 1900, presumption grantor had no wife, 70-20-316
  dower, See **ESTATES AND PROBATE PROCEEDINGS**
  execution, See **EXECUTION**, **Marriage**
  fee simple title of real property, transfer or conveyance, 40-2-202
  forcible entry and detainer and unlawful detainer, as defendants, 70-27-111
  homesteads, 70-32-301, See **REAL PROPERTY**, **Homesteads**

HUSBAND AND WIFE (Continued)

- **Property** (Continued)
  - individual
    - contract liability of spouse, 40-2-301, 40-2-302
      - legal relation, alteration of, 40-2-303
    - debts, exemption from — when, 40-2-210
    - defined, 40-2-202
    - earnings and accumulations
      - exemption from debts when, 40-2-209, 40-2-210
      - liability for debts when, 40-2-205
      - separated persons, 40-2-206
      - work and labor of married person, 40-2-207
    - inventory
      - acknowledgment and proof, 40-2-203
      - exempted from debts and liabilities when, 40-2-209
      - recording and effect, 40-2-203, 40-2-204
    - liability for debts, 40-2-206 — 40-2-209
    - necessaries, how determined, 40-2-210
  - interest in, when husband and wife separate, 40-2-201
  - joint tenancy, 40-2-105
  - necessaries chargeable against, when, 40-2-106
  - power of attorney, executed when, 40-2-202, See also **REAL PROPERTY**, **Powers f attorney**
  - redemption, See **EXECUTION**, **Redemption**, spouse
  - rights, how governed, 40-2-311
  - separate, See individual
  - settlement, 40-2-311 — 40-2-315, See **DISSOLUTION OF MARRIAGE**, **Property se tlement**
  - tenancy in common, 40-2-105, 70-1-314
  - title and ownership, how proved, 40-2-203
    - evidence, prima facie, 40-2-204
    - transfer, 40-2-202
  - transfer, 40-2-202
- **Property settlement following dissolution of marriage or separation**, S **DISSOLUTION OF MARRIAGE**
- **Prostitution**, promoting unlawful, 45-5-602, 45-5-603
  - testimony against spouse admissible in evidence, 45-5-604
- **Protection**, right to use force, 49-1-103
- **Putative spouse**, rights and status, 40-1-404
- **Real property**, See **Property**
- **Reconciliation of spouses**, Title 40, chapter 3, See **CONCILIATION**
- **Redemption of property upon execution**, See **EXECUTION**, **Redemption**, spouse
- **Rights**, property — how governed, 40-2-311
- **Seduction**, suit for, 27-1-514, See **SEDUCTION**
- **Separate property**, See **Property**, individual
- **Separation**, See **DISSOLUTION OF MARRIAGE**, **Separation agreement**
- **Separation agreement**, See **DISSOLUTION OF MARRIAGE**, **Separation agreemer**
- **Settlements**, 40-2-311 — 40-2-315
- **Sexual offenses**, See **CRIMES**
- **Spouse's children by former marriage**, support liability, 40-6-217
- **Sue and be sued**, power to, 25-5-201, 25-5-202, 40-2-106, 40-2-107, 40-2-109
- **Support**, See also **CHILD SUPPORT**, generally
  - administrative enforcement, Title 40, chapter 5, part 2, See **CHILD SUPPORT**
  - compensation to third person when, 40-2-103
  - contracts for, 28-2-202, 28-2-204
  - dueling, as damages for, 27-1-223
  - earnings and accumulations, liability for support, 40-2-205 — 40-2-210, 70-1-417
  - failure to provide, exception, 40-2-103, 45-5-621
  - mutual obligation, 40-2-101, 40-2-102
  - prisoners, disposition of earnings for, 46-18-702, 46-18-703
  - reciprocal enforcement of support, Title 40, chapter 5, part 1, See **CHILD SUPPORT**
  - spouse
    - children of former marriage, support liability, 40-6-217

HUSBAND AND WIFE (Continued)

Support (Continued)
  spouse (Continued)
    duty of support, 40-2-101, 40-2-102
    not liable when, 40-2-104
Tenants, joint or common — when, 40-2-105
Theft — offender's spouse as victim, no defense, 45-6-303
Torts, intentional, right to sue, 40-2-109
Trustee, married person as, 40-2-108
Utilities, rural cooperatives — as
  members, 35-18-101
  trustees, 35-18-311
Veterans, spouses of
  employment preference, 10-2-201 — 10-2-206, See **VETERANS**, **Employment preference**
  veterans' home, admittance, 10-2-401, 10-2-403
Wages, See **Earnings and accumulations**
Work and labor of married person, 40-2-207

HYDROCARBON PRODUCTION FACILITIES

  See **FACILITY SITING**, generally

HYDROELECTRIC FACILITIES

  See generally **DAMS AND RESERVOIRS**; **FACILTIY SITING**; **WATER**

HYDROELECTRIC RESOURCES

  See **STATE LANDS**, **Power site leases or licenses**

I

ICE CREAM AND ICE CREAM FACTORIES

  See **DAIRIES AND DAIRY PRODUCTS**

ICE PLANTS

Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally

IDENTIFICATION

Brands, See **BRANDS**
Commercial paper, See **COMMERCIAL PAPER**
Consumer reports
  consumer, 31-3-123
  users, 31-3-114
Criminal, See **CRIMINAL IDENTIFICATION, STATE SYSTEM OF**; **CRIMINAL JUSTICE INFORMATION**
Dentures, 37-4-503
Documents of title, 30-7-207
Door-to-door salespersons, 30-14-503
Drug research subjects, confidential, 50-32-106
Electrical device, obscuring the identity, 45-6-326
Electronic funds transfer number, 32-6-103, 32-6-303, 32-6-306
Evidence, See **EVIDENCE**, **Authentication or identification**
Fingerprints, See **CRIMINAL JUSTICE INFORMATION**
Firearms, obscuring the identity, 45-6-326

IDENTIFICATION (Continued)

Highway Patrol identification cards, See **MOTOR VEHICLES, Identification cards**
Installment sales contracts, blank spaces for identification numbers, 31-1-231
Livestock, See **LIVESTOCK MARKS AND BRANDS**
Machine, obscuring the identity, 45-6-326
Montana Highway Patrol identification cards, See **MOTOR VEHICLES**
    Identification cards
Motor vehicle numbers, penalty for altering, 45-6-326, 61-3-604
Negotiable instruments, See **COMMERCIAL PAPER**
Personal solicitation salespersons, 30-14-503
Persons, by name, 26-1-602
Rentals of personal property, false identification, 45-6-309
Roadblocks for, 46-5-502
Sales
    door-to-door salespersons, 30-14-503
    goods, See **SALES**
    installment, blank spaces for identification numbers in contract, 31-1-231
Stop and frisk to make, 46-5-401
Vehicle, obscuring the identity, 45-6-326, 61-3-604

ILLEGALITY, Title 25, chapter 20, M.R.Civ.P., Rule 8(c)

ILLEGITIMATE CHILDREN

See **MINORS, Legitimacy; PATERNITY PROCEEDINGS**, generally

ILLNESSES

See **DISEASES**

IMMUNIZATIONS

See **SCHOOLS, Immunization requirements**

IMPEACHMENT

Articles of
    answer or objection to, 5-5-419
    delivery to senate, 5-5-412
    requirements and preparation, 5-5-411
    service upon defendant, 5-5-414, 5-5-415
Chief justice to preside at trial when, 5-5-404
Conviction
    judgment
        finalized, 5-5-423
        nature and effect, 5-5-431
        plea, effect, 5-5-420
        pronouncement, 5-5-422
        suspension, effect of, 5-5-432
    majority vote required, 5-5-421
Counsel for defendant appointed when, 5-5-418
Court of, See also **COURTS**, generally
    chief justice to preside when, 5-5-404
    clerk
        acknowledgments taken by, 1-5-101
        administrative rules, copy distributed to, 2-4-313
    contempt, See **CONTEMPT**
    enumerated as
        court of justice, 3-1-101
        court of record, 3-1-102
    jurisdiction, 5-5-403

IMPEACHMENT (Continued)

Court of (Continued)
  oath required, 5-5-416
  officers, 5-5-404
  rules of court, power to make, 3-1-112
  senate as, 3-1-101, 5-5-403
  trial, how regulated, 5-5-403
Criminal prosecution not barred, 5-5-433, 45-7-401
Defendant
  answer or objection to articles, 5-5-419
  counsel for, 5-5-418
  failure to appear, 5-5-417, 5-5-418
  notice and articles served, 5-5-414, 5-5-415
  plea by, 5-5-419, 5-5-420
  service, how made, 5-5-414, 5-5-415
Hearing, time of, 5-5-414, 5-5-417
House of Representatives, power vested in, 5-5-402
Officers subject to, 5-5-401, 13-37-105
Official misconduct, effect on impeachment proceedings, 45-7-401
Plea, entry and effect, 5-5-419, 5-5-420
Political Practices, Commissioner of — subject to, 13-37-105
Resolution, origination and adoption, 5-5-411
Senate as court of, 3-1-101, 5-5-403
Suspension of officer pending trial, 5-5-413
Trial, 5-5-403
  chief justice to preside when, 5-5-404
  regulated how, 5-5-403
  suspension of officer pending, 5-5-413
Who may be impeached, 5-5-401, 13-37-105

IMPERSONATING A PUBLIC SERVANT

Unlawful, 45-7-209

IMPLEMENTS OF HUSBANDRY

See **MOTOR VEHICLE EQUIPMENT; MOTOR VEHICLE LICENSE PLATES, Special mobile equipment**, generally; **MOTOR VEHICLES**

IMPORTATION PERMIT AND HEALTH CERTIFICATE ACT OF 1981, Title 81, chapter 2, part 7

See **LIVESTOCK, Importation**

IMPOSSIBILITY

See **CONTRACTS**

IMPRISONMENT

See **CRIMES**, specific offense; **CRIMINAL PROCEDURE, Commitment; PRISONERS; PRISONS**

IMPROVEMENTS

See **REAL PROPERTY, Fixtures; TAXATION**

INCARCERATION

See **CRIMES**, specific offense; **CRIMINAL PROCEDURE, Commitment; PRISONERS; PRISONS**

INCEST

Invalidity, ground for, 40-1-402
Unlawful, 40-1-401, 45-5-613

INCHOATE OFFENSES, Title 45, chapter 4, part 1

See **CRIMES**

INCIDENTS

See **REAL PROPERTY**

INCOME TAX

See **TAXATION**

INCOMPETENT PERSONS

See generally **AGING AND AGED PERSONS; ALCOHOL ABUSE DEVELOPMENTALLY DISABLED PERSONS; MENTAL INCAPACITY MENTALLY ILL PERSONS**

INCORPORATION

See specific type of corporation or association

INCUMBRANCES

See **ENCUMBRANCES**

INDEBTEDNESS

See **DEBTS, DEBTORS, AND CREDITORS**; specific type of indebtedness

INDECENT EXPOSURE

Unlawful, 45-5-504, 45-8-201

INDEMNITY

See also **GUARANTY; SURETYSHIP AND SURETIES**

Actions
    costs, 28-11-315
    defense, 28-11-315, 28-11-316
    joinder of claims or remedies, Title 25, chapter 20, M.R.Civ.P., Rule 18(b)
    judgment, 28-11-317
Agents
    extension to, 28-11-304
    property received for principal, for, 28-10-703
Applicability of laws, surety law, 28-11-312
Attachment, indemnification of sheriff by third party, 27-18-602
Bailees, of, 70-6-209, 70-6-210
Bonds
    agisters' liens, required when, 71-3-1203
    building and loan associations, for transfer of shares, 32-2-212
    county sheriff, 2-9-711
    fireworks displays, 50-37-108
    motor vehicle liability insurance, in lieu of, 61-6-301, 61-6-302, 61-6-304
    natural gas, underground storage — lease requirements, 77-3-505

INDEMNITY (Continued)

Bonds (Continued)
- securities
  - adverse claim, 30-8-403
  - lost, stolen, or destroyed, 30-8-405
- state agency money depositories, for, 17-2-202
- warrants, state — duplicate, issuance requirement, 17-8-306

Borrower, by lender, 70-7-111, 70-7-112

Claim and delivery, indemnification of sheriff by third party, 27-17-309

Contract, as, 28-11-301

Corporate officers or directors and their agents, 35-1-414
- nonprofit corporations, 35-2-107
- religious corporations, 35-3-205

County sheriff, liability for sale of livestock, 76-16-316

Credit disability insurance to provide, See **INSURANCE — LIFE**, **Credit life and disability**

Defense, See **Actions**

Defined, 28-11-301

Depositaries, of, 70-6-209, 70-6-210

Disability insurance to provide, See **INSURANCE — DISABILITY**

Documents of title, See **DOCUMENTS OF TITLE**

Extent, 28-11-304, 28-11-305

Guarantor, 28-11-211, 28-11-215

Injunction, indemnification of party upon dissolution, 27-19-405

Insurance
- credit disability to provide, See **INSURANCE — LIFE**, **Credit life and disability**
- disability to provide, See **INSURANCE — DISABILITY**
- indemnification, as, See **INSURANCE**, generally
- property, measure of indemnity, 33-24-101

Interpretation, 28-11-313

Joinder of claims or remedies, Title 25, chapter 20, M.R.Civ.P., Rule 18(b)

Joint and separate liability, 28-11-311

Judgment, effect, 28-11-317

Law enforcement officers rendering mutual assistance, 44-11-102

Letters of credit, indemnity agreement, 30-5-113

Liability
- joint and separate, 28-11-311
- recovery, 28-11-314

Livestock
- diseased, slaughter, See **LIVESTOCK**, **Slaughter of diseased animals**
- railroads, killed by — plaintiff's claim for indemnity, 69-14-709
- sale, county sheriff's liability, 76-16-316

Natural resource extraction, See **TAXATION**, **Resource indemnity trust tax**

Notice of action against person indemnified, 28-11-317

Nuclear accident or attack, to officers and employees assisting in, See **NUCLEAR ENERGY**, **Interstate compact**

Partnerships
- dissolution, partners in, 35-10-610
- fraud by partner, for, 35-10-611
- partners, required for, 35-10-401

Peace officers rendering mutual assistance, 44-11-102

Property insurance, measure of, 33-24-101

Proprietary postsecondary educational institutions — students, enrollees, and parents — indemnification, 20-30-305

Public contracts, bid security, 18-1-201, 18-1-202

Public officers and employees, indemnification, 2-9-305

Railroads
- employees' death or injury, payment concerning, 69-14-1006
- livestock killed by, plaintiff's claim for indemnity, 69-14-709

Reciprocal agreements for, See **INSURERS — RECIPROCAL**, generally

Recovery, 28-11-314, 28-11-316

Reimbursement of person indemnifying, 28-11-312

Rental agreements, prohibited provisions, 70-24-202

INDEMNITY (Continued)

Residential rental agreements, prohibited provisions, 70-24-202
Resource extraction, See **TAXATION, Resource indemnity trust tax**
Securities, 30-8-403, 30-8-405
Several persons, of, 28-11-305
State
    bonds required when, 17-2-202
    buildings, moneys received as indemnification for damage to, 2-17-105
    fund for moneys regarding, 17-2-102
    natural gas, underground storage for — indemnification against loss or damage by lessee 77-3-505
    warrants, duplicate — bonds required when, 17-8-306
Surety bonds, furnishing by surety insurers prohibited when, 33-26-105
Surety laws, applicability, 28-11-312
Tax, See **TAXATION, Resource indemnity trust tax**
Unlawful acts, for, See **Wrongful acts, for**
Void when, 28-11-302, 28-11-303
Wrongful acts, for
    future, void, 28-11-302
    past, 28-11-303

INDIAN AFFAIRS, STATE COORDINATOR OF

    See **INDIANS, State Coordinator of Indian Affairs**

INDIANS

Air quality areas, applicability of redesignation provisions, 75-2-112
Artifacts, preservation, 22-3-107
Blackfeet highway, jurisdiction, 2-1-206
Bureau of Indian Affairs' officers, as firewardens, See **FORESTS AND FORESTRY Firewardens**
Confederated Salish and Kootenai tribes
    agreements for hunting and fishing rights, 87-1-228
    jurisdiction of state, See **Jurisdiction of state**
Coordinator of Indian Affairs, See **State Coordinator of Indian Affairs**
Culture, protection, 2-1-305
Deaf and Blind, Montana State School for the — admission, 20-8-107
Discrimination, See **DISCRIMINATION**, generally
Federal funds, administration, 17-3-107
Fishing, agreements for, 87-1-228
Fish, Wildlife, and Parks — Department of — agreements with, 87-1-228
Flathead Indian reservation
    criminal jurisdiction, 2-1-301
    hunting and fishing on, 87-1-228
Historical artifacts, preservation, 22-3-107
Hunting, agreement for, 87-1-228
Immunities generally, 2-1-304
Jurisdiction of state
    assumption, date of, 2-1-303
    criminal, 2-1-301
    request for, 2-1-302
    service of process, 2-1-307
    withdrawal of consent, 2-1-306
Landless Indians, 90-11-101
Legislative policy, 90-11-101
Marriage, form of solemnization, 40-1-301
Mining operations
    history and culture, protection from, 82-4-227
    trust land for, consent provisions inapplicable, 82-4-224
Off-reservation Indians, 90-11-101
Parent-child legal relationship termination, child's right to benefits, 41-3-611

INDIANS (Continued)

Policy of state, 90-11-101
Prisoners, tribal supervision when on furlough, 46-23-401
Privileges generally, 2-1-304
Railroads upon reservations, 69-14-538
Rights generally, 2-1-304
Sale of Indian articles, See **SALES, Indian articles**
Schools, compulsory attendance by children, 20-5-108
Service of process, 2-1-307
State Coordinator of Indian Affairs
  appointment, 2-15-1813
  assistance, 90-11-102
  creation of office, 2-15-1813
  duties, 90-11-102
  legislative policy, 90-11-101
Teachers, instruction requirements, See **TEACHERS, Indian studies**
Treaty of 1855, 87-1-228
University system enrollment fees, nonpayment when, 20-25-505
Vital statistics information, disclosure to determine tribal enrollment, 50-15-112, 50-15-206
Water rights, See **WATER**

INDICTMENT

See **CRIMINAL PROCEDURE, Grand jury**

INDIGENT PERSONS

See **LOWER INCOME, PERSONS OF**

INDIVIDUAL FAMILY DISABILITY INSURANCE CONTINUITY OF COVERAGE ACT, 33-22-305 — 33-22-311

See **INSURANCE — DISABILITY, Individual family members continuity of coverage**

INDUSTRIAL ACCIDENTS AND ILLNESSES

See **LABOR AND EMPLOYMENT, Health safeguards; Safety; OCCUPATIONAL DISEASE; WORKERS' COMPENSATION**

INDUSTRIAL LIFE INSURANCE

See **INSURANCE — LIFE**

INDUSTRIAL PARK DEVELOPMENT

See **SUBDIVISIONS**, generally

INDUSTRIAL SCHOOLS

See **VOCATIONAL EDUCATION, Postsecondary vocational-technical centers**

INDUSTRIES AND INDUSTRIAL DEVELOPMENT

See also **TRADE REGULATION AND COMPETITION**

Accidents, See **LABOR AND EMPLOYMENT, Safety; WORKERS' COMPENSATION**
Agriculture, See **AGRICULTURE**
Air pollution control, See **AIR QUALITY**, generally
Alcoholic beverages, See **ALCOHOLIC BEVERAGES, Beer, brewers; Distillers; Rectifiers**

INDUSTRIES AND INDUSTRIAL DEVELOPMENT (Continued)

Associations, to develop, See **COOPERATIVE ASSOCIATIONS**
Bulk transfers, applicability to manufacturers, 30-6-102, See **BULK TRANSFERS**
"Business district" defined, 61-1-408, See **TRAFFIC REGULATIONS**
Clean Air Act of Montana, Title 75, chapter 2, See **AIR QUALITY**
Commerce, Department of — development functions, 90-1-105, 90-5-113
Commercial feeds, See **COMMERCIAL FEEDS**
Commercial fertilizers, See **COMMERCIAL FERTILIZERS**
Cooperative associations, to develop, See **COOPERATIVE ASSOCIATIONS**
Dairies and dairy products, See **DAIRIES AND DAIRY PRODUCTS**
Development projects, See also **ECONOMIC DEVELOPMENT**, generally
    acquisition, 90-5-102
    advisory functions of government, 90-5-113
    aeronautics, board of — powers and authority, 67-1-302
    commerce, department of — functions, 90-1-105, 90-5-113
    costs of project, 90-5-106, 90-5-109
    definitions, 90-5-101
    eminent domain prohibited, 90-5-102
    governmental coordination, 90-1-105, 90-5-102, 90-5-113
    hearings on projects, 90-5-104
    lease of project, 90-5-102, 90-5-105, 90-5-106
    local government
        bonds issuance, 90-5-102 — 90-5-104, 90-5-107
        hearings, 90-5-104
        powers, 90-5-102, 90-5-111
    operation as business prohibited, 90-5-102
    refunding bonds, 90-5-107
    reserves, 90-5-106
    revenue bonds
        aeronautics, board of — issuance by, 67-1-302
        authorized, 90-5-102
        costs of project, effect, 90-5-106, 90-5-109
        default, 90-5-105
        filing with securities commissioner, 90-5-103
        interest rates, 17-5-102
        liability, 90-5-105
        limited obligations, 90-5-103
        loan from proceeds, 90-5-102, 90-5-105, 90-5-106
        negotiability, 90-5-103
        proceeds, use, 90-5-102, 90-5-108
        receiver, 90-5-105
        refunding bonds, 90-5-107
        sale, 90-5-103, 90-5-108
        security, 90-5-105
        terms, 90-5-102, 90-5-103
    taxation, 90-5-110, 90-5-112, See also **TAXATION, Incentives**
Educational impact statements required when, 20-1-208, 20-1-209
Electric suppliers, See **UTILITIES, Territorial integrity for electric suppliers**
Employees, minors — labor prohibited when, 41-2-101, 41-2-113, 41-2-121
Environmental Policy Act, Title 75, chapter 1, See **ENVIRONMENTAL POLICY**
Equipment, See **MACHINERY**
Explosives use, applicability of laws, 50-37-102
Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Feeds, See **COMMERCIAL FEEDS**, generally
Fertilizers, See **COMMERCIAL FERTILIZERS**
Fire protection and safety regulations in industrial plants, 50-61-103, See **FIRE AND FIRE PROTECTION**, generally
Fireworks use, applicability of laws, 50-37-102
Floodways, industrial uses within, See **FLOODPLAINS AND FLOODWAYS, Use within**, generally
Gasoline, See **GASOLINE AND PETROLEUM PRODUCTS**
Institutional, See **INSTITUTIONS**; specific institution
Livestock, See **LIVESTOCK**

INDUSTRIES AND INDUSTRIAL DEVELOPMENT (Continued)

Location, city regulation, 7-21-4204
Machinery, See **MACHINERY**
Major Facility Siting Act, Title 75, chapter 20, See **FACILITY SITING**
Milk and milk products, See **DAIRIES AND DAIRY PRODUCTS**
Mining, site protection from, 82-4-402, See also **MINES AND MINING**
Minors, employment prohibited when, 41-2-101, 41-2-113, 41-2-121
Montana Environmental Policy Act, Title 75, chapter 1, See **ENVIRONMENTAL POLICY**
Natural gas, See **OIL AND GAS**
Nuclear energy, use, See **NUCLEAR ENERGY, Interstate compact**
Nuclear facilities, See **FACILITY SITING, Nuclear energy conversion**
Oil and gas, See **OIL AND GAS**
Pesticide regulation, See **PESTS AND PESTICIDES**, generally
Petroleum products, See **GASOLINE AND PETROLEUM PRODUCTS**
Plumbing installations, exemption from provisions, 50-60-503
Pollution, See **AIR QUALITY; WATER QUALITY**
Poultry, See **POULTRY AND EGGS**
Railroad spur tracks for, See **RAILROADS, Spurs**
Safety provisions, See **LABOR AND EMPLOYMENT, Safety**
Soil survey and mapping program, See **SOIL SURVEYS**, generally
Solid waste management, See **SOLID WASTE MANAGEMENT**
Subdivision development, See **SUBDIVISIONS**, generally
Taxation, See **TAXATION**
Timber, See **FORESTS AND FORESTRY**, generally
"Urban district" defined, 61-1-410, See **TRAFFIC REGULATIONS**
Wastes
  management, See **SOLID WASTE MANAGEMENT**, generally
  pollution of water, See **WATER QUALITY, Disposal systems; Permits; Sewage systems; Treatment of wastes**
  public water supplies, See **WATER SUPPLY, PUBLIC**, generally
Water supplies
  conservation and development, 85-9-102, See **WATER CONSERVANCY DISTRICTS**
  pollution, See **WATER QUALITY**

INFANTS

See **BIRTH; MINORS**

INFECTIOUS DISEASES

See **DISEASES, Communicable**

INFERENCES

See **EVIDENCE**

INFIRMARIES, 50-5-101

See **HEALTH CARE FACILITIES**

INFORMANTS

Privileged communications, Title 26, chapter 10, M.R.Ev., Rule 502
Tampering with, unlawful, 45-7-206

IN FORMA PAUPERIS

See **CIVIL PROCEDURE; CRIMINAL PROCEDURE**

INFORMATION

  See **CRIMINAL PROCEDURE**

INFORMATION AND PRIVACY PROTECTION ACT, INSURANCE, Title 33, chapter 19

  See **INSURANCE, Information and privacy protection**

INFORMATION AND RESEARCH SYSTEM, 90-1-109

INFRINGEMENT

Rights, upon — obligation of care, 28-1-201
Sales, contract for sale, 30-2-312, 30-2-607

INHERITANCE

  See **ESTATES AND PROBATE PROCEEDINGS; REAL PROPERTY; TAXATION**

INITIAL APPEARANCE

  See **CRIMINAL PROCEDURE, Appearance of defendant**

INITIATIVES

  See **BALLOT ISSUES**

INJUNCTION, WRIT OF

  See also generally **REMEDIES**; **WRITS**

Abuse of spouse, 27-19-201, 40-4-106
Acupuncture, to enjoin practice of, 37-13-315
Aeronautics laws, enforcement by, 67-2-501, 67-3-427
Agricultural marketing association, breach of marketing agreement, 35-17-401
Agricultural seed processing plants, labelers, buyers, and warehouses — to restrain violations, 80-5-207
Agriculture, restraint of trade, 27-19-202, 27-19-204
Airport influence areas, abatement of violations, 67-4-402
Airport Zoning Act, abatement of violations, 67-6-211
Air quality, enforcement of rules or orders, 75-2-412, 75-2-413
Alcoholic beverages
  franchise cancellation, to prevent, 16-3-225
  nuisance, action for abatement, 16-6-313
Appeals relating to
  calendar precedence, Title 25, chapter 21, M.R.App.Civ.P., Rule 39
  continuance pending, 3-2-205; Title 25, chapter 21, M.R.App.Civ.P., Rule 40
  pending, Title 25, chapter 20, M.R.Civ.P., Rules 62(c), 62(g); Title 25, chapter 21, M.R.App.Civ.P., Rule 40
  permitted, Title 25, chapter 21, M.R.App.Civ.P., Rule 1
Applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 65
Arbitration proceedings, effect of stay by, 27-2-405
Architects, to restrain violations by, 37-65-323
Assignment for benefit of creditors, 31-2-220
Associations, action brought by, 27-19-104
Availability, 27-19-102, See this main category generally
Banks and trust companies
  advertisement of banking business prior to certification, restraint, 32-1-402
  closure, recourse of aggrieved bank, 32-1-516
  commerce, department of — enforcement of subpoena by, 32-1-211

INJUNCTION, WRIT OF (Continued)

Banks and trust companies (Continued)
  corporate name restrictions, violation of — restraint, 32-1-402
  electronic funds transfer terminal, unauthorized operation, 32-6-402
  temporary cease and desist order, against, 32-1-904
  transaction of banking business without certificate, restraint, 32-1-403
Battering of spouse, 27-19-201, 40-4-106
Building code violations, 50-60-109, 50-60-514
Child support proceedings, temporary injunction issued when, 40-4-106
Cigarettes
  cigarette sales act violations, 16-10-402
  nuisance, public — abatement, 16-11-145
  tobacco product sales, when, 16-11-204
Cities and towns
  legislative act, prevention of, 27-19-103
  undertaking not required, 27-19-306
Citizens' groups, action brought by, 27-19-104
Commerce, Department of
  banks and trust companies
    enforcement of subpoena of, 32-1-211
    temporary cease and desist order, against, 32-1-904
  consumer loan businesses, enforcement of subpoena of and production of records, 32-5-404
  electronic funds transfer terminal, stay of unauthorized operation, 32-6-402
  loan companies, enforcement of subpoena of and production of records, 32-5-404
  proprietary postsecondary educational institution, enforcement of orders or to enjoin violations, 20-30-404, 20-30-405
Commercial feed violations, to restrain, 80-9-303
Commercial fertilizer violations, to restrain, 80-10-303
Condominium provisions, restraint of violations, 70-23-1001
Conservation easements, enforcement, 76-6-210
Consumer Counsel, application by, 27-19-203
Consumer loan businesses
  commerce, department of — enforcement of subpoena by, production of records for, 32-5-404
  electronic funds transfer terminal, restraint of unauthorized operation, 32-6-402
  violation of provisions generally, restraint of, 32-5-405
Consumer protection, in action for, 27-19-202, 27-19-204
Contracts, prevention of breach, 27-19-103
Contracts, public — persons restrained from proceeding with construction when, 18-2-408
Corporations
  liquidation, in, 35-1-922, 35-2-712
  ultra vires, defense, 35-1-110, 35-2-110
Cosmetics violations, 50-31-508
Cosmetology provisions, to restrain violations, 37-31-334
Credit unions
  electronic funds transfer terminal, restraint of unauthorized operation, 32-6-402
  false advertising, restraint, 32-3-103
Dairies and dairy products
  enforcement of provisions and rules, 81-22-105
  restraint of violations, 81-21-104
Defined, 27-19-101
Dentists, to restrain violations by, 37-4-328
Discrimination
  enforcement of order by commission for human rights, 49-2-508, 49-3-303
  relief for complainants, 49-3-303
Dissolution of marriage proceedings, temporary injunction issued when, 40-4-106
Documents of title, negotiation, 30-7-602
Drugs
  dispensation violations by medical practitioners, to restrain, 37-2-105
  quality violations, 50-31-508
Elections, 13-35-108
  nominations, restraint of placing name on ballot when improper, 13-35-221

INJUNCTION, WRIT OF (Continued)

Electrical energy producers and suppliers
  license tax delinquency, production enjoined, 15-51-113
  violations or omissions, restraint, 69-5-111
Electronic funds transfer terminals, restraint of unauthorized operation, 32-6-402
Enforcement, 27-19-101
Extent, 27-19-105
Facility siting violations, relief from, 75-20-408
Final injunction when, 27-19-102, See **Procedure generally**; See also this main categor generally
Finance companies, See **Consumer loan businesses**
Fire protection regulation violations, occupancy of building enjoined, 50-3-102, 50-61-118
Food
  establishment violations, 50-50-106
  quality violations, 50-31-508
Foreclosure of mortgage, prevention of damage to security, 71-1-227
Forest fire hazard provisions, enforcement, 76-13-410, 76-13-413
Fraternal benefit societies, to restrain violations, 33-7-115
Fraud, to prevent, 27-19-201
Fraudulent conveyances, to prevent, 31-2-322
Gasoline and petroleum products
  tax delinquency, collection may not be enjoined, 15-70-211
  violations, 82-15-112
Grain merchandisers, to halt merchandising when, 80-4-208
Grazing districts, relief for trespassing stock and fence violations, 76-16-321
Grounds, 27-19-102, See this main category generally
Hazardous substances, violations, 50-30-306
Hamburger, sales violations, 50-31-508
Hazardous waste violations, 75-10-414, 75-10-415
Health care facilities
  certificate of need violations, 50-5-307
  licensing violations, 50-5-221
  sterilization, interference with right of refusal, 50-5-504
  violations generally, 50-5-108
Health law violations generally, 50-1-103, 50-2-116
Health service corporations, to restrain violations, 33-30-113
Hearing Aid Dispensers, Board of — enforcement of provisions, 37-16-202, 37-16-413
High schools, conspiracy to prevent private school interscholastic competition, 20-1-210
Honey, mislabeling, 50-31-508
Hospitals, See **Health care facilities**
Human Rights, Commission for — enforcement of orders by, 49-2-508, 49-3-303
Insurers
  delinquency proceedings
    general provisions, 33-2-1309
    jurisdiction, 33-2-1305
  holding company systems
    securities, to restrain voting of any acquired or to void that already cast, 33-2-1119
    violations, to restrain, 33-2-1118
  liquidation order, inclusion, 33-2-1348
  prohibited practices, to restrain, 33-18-1003
  supervision orders, enforcement, 33-2-1321
Interlocutory injunctions, See **Procedure, preliminary injunctions**
Investment companies, See **Banks and trust companies**
Investment securities, See **Securities**
Issuance, See **Procedure generally**
Junkyards, abatement of nuisance, 75-15-205
Jurisdiction
  action determines, 27-19-101
  district court, 3-5-302, 3-5-311
  supreme court, 3-2-202, 3-2-205; Title 25, chapter 20, M.R.Civ.P., Rule 62(g)
Labor disputes, prohibited in, 27-19-103
Landlord-tenant disputes, 70-24-406, 70-24-410, 70-24-422, 70-24-424

INJUNCTION, WRIT OF (Continued)

Laws
    applicable, Title 25, chapter 20, M.R.Civ.P., Rule 65
    execution, prohibited to prevent, 27-19-103
Legal separation proceedings, temporary injunction issued when, 40-4-106
Letters of credit, honor of complying draft or document, 30-5-114
Licensing boards, to restrain practice of occupation or profession, 37-1-136
Liens, oil and gas wells and pipelines — prevention of removal of security, 71-3-1010
Livestock disease control, for, 81-2-111
Livestock markets, dealers, and brokers — restraint of activities when, 81-8-236
Loan companies, See **Consumer loan businesses**
Local governments, undertaking not required, 27-19-306
Medical Examiners, Board of, 37-3-326, 37-20-104
Medical practitioners, to restrain drug dispensation violations by, 37-2-105
Milk price control violations, remedy for, 81-23-406
Mines and mining
    consignment, restraint of payment, 82-2-421
    metal mine operation violations, 82-4-361
    opencut mining reclamation, noncompliance, 82-4-434
    safety and health violations, 50-72-103, 50-73-104
    strip and underground mine operation
        reclamation by board of land commissioners, restraint of interference, 82-4-239, 82-4-254
        violations, 82-4-252, 82-4-254
    strip and underground mine siting violations, 82-4-141
Montana quality label violations, restraint, 81-8-705
Mortgage foreclosure, prevention of damage to security, 71-1-227
Motor carrier violations, to restrain, 69-12-209
Motor vehicle graveyards and wrecking facilities, for compliance with provisions, 75-10-541
Motor vehicle manufacturers, distributors, importers, or dealers — to restrain, 61-4-209
Notice, effect, 27-19-105
Nuisances
    alcoholic beverages, when, 16-6-313
    cigarettes, place where sold — when, 16-11-145
    public, abatement by, 27-30-103, 45-8-112
Nurses, to restrain violations by, 37-8-444
Obligation, to prevent breach, 27-19-102
Obtained, how, See **Procedure generally**
Oil and gas
    attorney general, against, 82-11-145
    board of oil and gas conservation, against, 82-11-144, 82-11-145
    violations, 82-11-142, 82-11-147
Oil and gas wells and pipelines, laborers' and materialmen's lien upon — prevention of removal of security, 71-3-1010
Optometrists, to restrain violations by, 37-10-301
Peace officers, injunction prohibited to prevent execution of law, 27-19-103
Pesticide violations, to restrain, 80-8-306
Physicians, to enjoin from practice of medicine when, 37-3-326
Pipeline carriers, enforcement of provisions, 69-13-102
Plumbing violations, 50-60-514
Poultry industry violations, restraint, 81-20-102
Preliminary injunctions, See **Procedure, preliminary injunctions**
Preventive relief, as, 27-1-103, 27-1-401, 27-1-403
Procedure generally
    appeals, See **Appeals relating to**
    applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 65
    availability, 27-19-102, See also this main category generally
    continuance, 3-2-205; Title 25, chapter 21, M.R.App.Civ.P., Rule 40
    costs, 25-10-101, 25-10-102
    day of issuance, 3-1-302, 3-5-302
    enforcement, 27-19-101

INJUNCTION, WRIT OF (Continued)

Procedure generally (Continued)
- extent, 27-19-105
- final injunctions when, 27-19-102, See also this main category generally
- form of order, 27-19-105
- "injunction" defined, 27-19-101
- interlocutory injunctions, See **Procedure, preliminary injunctions**
- jurisdiction, See **Jurisdiction**
- nonjudicial days, issuance on, 3-1-302, 3-5-302
- notice, 27-19-105
- order, 27-19-101
- preliminary injunctions, See **Procedure, preliminary injunctions**
- prohibited, issuance is when, 27-19-103
- restraining orders, See **Restraining orders**
- scope of restraint, 27-19-105
- stay of proceedings, See **Stay of proceedings**
- supreme court proceedings, See **Supreme court proceedings**
- temporary injunction, See **Procedure, preliminary injunctions**
- temporary restraining order, See **Restraining orders**

Procedure, preliminary injunctions, See also **Procedure generally**; **REMEDIES**, generally
- affidavits for, 26-1-1002, 27-19-303
- answer, 27-19-303
- applicability of laws, 27-19-306; Title 25, chapter 20, M.R.Civ.P., Rule 65
- application for, 27-19-301
  - dissolution or modification, 27-19-401
- availability generally, 27-19-201
- bond, issuance without, 27-19-204
- costs — dissolution, upon, 27-19-406
- counterclaim, availability to defendant upon, 27-15-102
- dissolution
  - affidavits, 27-19-401
  - application, 27-19-401
  - costs, 27-19-406
  - decision, 27-15-103, 27-19-404
  - hearing, 27-19-404
  - notice, 27-19-401
  - sureties, failure to justify, 27-19-306
  - time for decision, 27-15-103
  - undertaking upon, 27-19-405
- election among various remedies, 27-15-101
- evidence, 27-19-303
- extent, 27-19-105
- findings of fact and conclusions of law to accompany granting, Title 25, chapter 20, M.R.Civ.P., Rule 52(a)
- grounds, 27-19-201
- hearing to show cause
  - advancement on calendar, 27-19-318
  - conduct, 27-19-303
  - notice, 27-19-301
  - place, 27-19-301
  - required, 27-19-301, 27-19-303
  - time, 27-19-301, 27-19-318
- modification
  - affidavits, 27-19-401
  - application, 27-19-401
  - decision, 27-15-103, 27-19-404
  - hearing, 27-19-404
  - notice, 27-19-401
  - time for decision, 27-15-103
- notice of
  - application, 27-19-301
  - dissolution, application for, 27-19-401

INJUNCTION, WRIT OF (Continued)

Procedure, preliminary injunctions (Continued)
  notice of (Continued)
    modification, application for, 27-19-401
    sureties, exception to, 27-19-306
  order granting injunction, 27-19-105
  order to show cause for injunction, 27-19-301
    dissolution of injunction, for, 27-19-401
    modification of injunction, for, 27-19-401
    public service commission proceedings, 27-19-203
  restraining orders preliminary to, 27-19-314, See **Restraining orders**
  restraint of trade proceedings, 27-19-202, 27-19-204
  scope of restraint, 27-19-105
  sureties of applicant, 27-19-306, 27-19-307, 27-19-403
  sureties of enjoined party upon dissolution, 27-19-405
  temporary restraining orders preliminary to, 27-19-314, See **Restraining orders**
  time for granting, 27-15-103, 27-19-303
  undertaking of applicant, 27-19-204, 27-19-306, 27-19-307, 27-19-403
  undertaking of enjoined party upon dissolution, 27-19-405
Product safety violations, 50-30-306
Psychology, to enjoin practice of, 37-17-202, 37-17-313
Public interest groups, action brought by, 27-19-104
Public officers, prohibited to prevent exercise of office, 27-19-103
Public Service Commission orders
  enforcement, 69-12-209
  to stay and suspend, 69-3-403
Public Service Commission proceedings, preliminary injunction, 27-19-203
Rabies control, enforcement, 50-23-106
Railroad rates, rules, or orders — enforcement, 69-14-134
Recall, petition certification or printing and election, 2-16-615
Redemption period, restraint of waste during, 25-13-823, 25-13-824
Restraining orders, procedure, See also this main category generally
  applicability of laws, Title 25, chapter 20, M.R.Civ.P., Rule 65
  availability, 27-19-301, 27-19-314
  contents, 27-19-105, 27-19-316
  dissolution, 27-19-318, 27-19-319
  expiration, 27-19-316, 27-19-317
  extension of expiration, 27-19-317
  extent, 27-19-105
  filing, 27-19-316
  form, 27-19-105, 27-19-316
  hearing for injunction advanced when, 27-19-318
  modification, 27-19-319
  notice, 27-19-315, 27-19-319
  public service commission, against respondent, 27-19-203
  scope of restraint, 27-19-105
  undertaking, 27-19-306
  when, 27-19-301, 27-19-314
Restraint of trade, See **Unfair trade practices**
Safety violations, 50-71-326, 50-72-103, 50-73-104
Savings banks, See **Banks and trust companies**
School immunization requirements, enforcement, 20-5-409
Scope of restraint, 27-19-105
Secured transaction, sale of collateral, 30-9-112, 30-9-507
Securities
  adverse transfer, 30-10-406
  creditor's remedy, 30-8-317
  registration of transfer, 30-8-403
  violations generally, 30-10-305
  wrongful transfer, 30-8-315
Slaughterhouse violations, restraint, 81-9-205
Snowmobiles, sound level violations on new sales — restraint, 23-2-641
Solid waste management system violations, 75-10-231

INJUNCTION, WRIT OF (Continued)

Specific performance, injunction prohibited when, 27-19-103
Speech pathology and audiology, to enjoin practice of, 37-15-323
Spouse abuse, 27-19-201, 40-4-106
State, actions involving — security not required, 27-19-204, 27-19-306
Statutes, See **Laws**
Statutes of limitation, effect of stay by injunction, 27-2-405, 27-2-406
Stay of proceedings
  included with, Title 25, chapter 21, M.R.App.Civ.P., Rule 7
  prohibited to, when, 27-19-103
  statutes of limitation, effect, 27-2-405, 27-2-406
Sterilization, interference with right of refusal, 50-5-504
Subdivisions
  out-of-state, in-state sales violations, 76-4-1244
  sales or transfers when, 76-3-301
  sanitation violations, 76-4-108
Supreme court proceedings, 3-2-202, 3-2-205; Title 25, chapter 20, M.R.Civ.P., Rule 62(g); Title 25, chapter 21, M.R.App.Civ.P., Rule 17, See also **Procedure generally**; **SUPREME COURT, Original proceedings in**; **Writs**
Swimming pool violations, 50-53-104
Tax
  electrical energy producers, production enjoined upon failure to pay license tax, 15-51-113
  enforcement, to restrain, 15-1-404, 15-1-405
  gasoline license tax, collection may not be enjoined, 15-70-211
Temporary injunction, See **Procedure, preliminary injunctions**
Temporary restraining orders, See **Restraining orders**
Trademarks, restraint of use, 30-13-105, 30-13-334, 30-13-335
Trade practices, unfair, See **Unfair trade practices**
Tramways — order for corrective action, compliance compelled by, 23-2-724
Trust companies, See **Banks and trust companies**
Trusts, prevention of breach of obligation arising from, 27-19-103
Unfair trade practices, 30-14-111, 30-14-222
  commerce, department of — brought by, 30-14-111, 30-14-134
  preliminary injunction, 27-19-202, 27-19-204
  subpoenas or demands by department of commerce, disobedience to, 30-14-134
  violation of injunction, 30-14-142
Utilities — electrical energy, production enjoined upon license tax delinquency, 15-51-113
Utility provisions, compliance, 69-3-110
Veterinary medicine, to restrain practice or violations of, 37-18-502
Water quality violations, 75-5-614, 75-5-622, 75-5-641
Water supply, public — compliance with orders, rules, or standards, 75-6-111
Weights, measures, and grades violations, 30-12-505

INLAND CARRIERS

  See **CARRIERS**, **Freight carriers**, generally; See also **MOTOR CARRIERS**

INLAND MARINE DEFINITION ACT, NATIONWIDE, 33-1-221 — 33-1-229, See **INSURANCE — MARINE**

INLAND MARINE INSURANCE

  See **INSURANCE — MARINE**, generally

INMATES

  See **OFFENDERS, FORMER**; **PRISONERS**; specific institution

INNS AND INNKEEPERS

  See **HOTELS AND LODGING ESTABLISHMENTS**

INQUESTS

See **CRIMINAL PROCEDURE**

IN REM PROCEEDINGS

See **REAL PROPERTY, Actions**

INSANE PERSONS

See generally **CRIMINAL PROCEDURE, Mental disease or defect of defendant; DEVELOPMENTALLY DISABLED PERSONS; MENTALLY ILL PERSONS**

INSECTICIDES

See **PESTS AND PESTICIDES**, generally

INSECTS AND INSECT CONTROL

See also **PESTS AND PESTICIDES**

Agriculture, Department of
  administrative rules, 80-7-507
  control programs, financing, 80-7-504
  duties, 80-7-502, 80-7-503
  rangeland programs, agreements for, 80-7-506
Alternative control programs, See **Control programs**
Aquatic insects, commercial exportation unlawful, 87-1-102, 87-4-604
Control programs, See also **County control**
  alternative, 80-7-503
  counties, assistance for, 80-7-502
  definitions, 80-7-501
  financing, 80-7-504
  landowner's special assessments, 80-7-504, 80-7-505
  rangeland, 80-7-506
Control techniques, publication, 80-7-503
Cooperative Extension Service, duties, 80-7-508
County agricultural insect pest management plans, 80-7-503
County control, Title 7, chapter 22, part 23, See also **Control programs**
Crop dusting, See **Control programs**, generally; See also **LIENS, Crop dusting, liens for; PESTS AND PESTICIDES, Applicators**
Croplands, control programs, See **Control programs**
Definitions, 80-7-501
  "insect" defined, 80-8-102
Detection, 80-7-502
Dusting to control, See **Control programs**, generally; See also **LIENS, Crop dusting, liens for; PESTS AND PESTICIDES, Applicators**
Forests, in, See **FORESTS AND FORESTRY, Disease and insect pest control**
Infestation
  defined, 80-7-501
  determination, 80-7-502, 80-7-503, 80-7-508
Management services, 80-7-502
Mining operations, preventive measures, 82-4-336
Mosquito control, See **MOSQUITO CONTROL DISTRICTS**
Nurseries, infected stock, See **NURSERIES AND NURSERYMEN**
Pesticides Act, Title 80, chapter 8, See **PESTS AND PESTICIDES**
Pesticides to control, list — publication, 80-7-503
Rangeland control programs, 80-7-506
Spraying to control, See **Control programs**, generally; See also **LIENS, Crop dusting, liens for; PESTS AND PESTICIDES, Applicators**
Surveillance, 80-7-502

INSOLVENCY

Assignment of property for benefit of creditors, See **DEBTS, DEBTORS, AND CREDITORS**
Banks and trust companies, Title 32, chapter 1, part 5, See **BANKS AND TRUST COMPANIES**
Building and loan associations, See **BUILDING AND LOAN ASSOCIATIONS, Liquidation**
Buyer of goods, 30-2-702, 30-2-705
Commercial paper, effect, See **COMMERCIAL PAPER**
Conveyances when, See **FRAUDULENT CONVEYANCES**
Credit unions, See **CREDIT UNIONS, Liquidation**
Defined, 30-1-201, 31-2-202, 31-2-302
Employer, of, 71-3-301, See **LIENS, Salaries and wages, liens for**
Guaranty, removal of principal from state as, 28-11-204
Husband and wife, See **HUSBAND AND WIFE, Debts of spouses**
Insurers, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Investment companies, Title 32, chapter 1, part 5, See **BANKS AND TRUST COMPANIES, Insolvency**
Letters of credit, insolvency of bank, 30-5-117
Married persons, See **HUSBAND AND WIFE, Debts of spouses**
Motor vehicle certificate of ownership, transfer of interest, 61-3-201
Negotiable instruments
  effect, See **COMMERCIAL PAPER**
  warranty, 30-3-417, 30-11-220
Nonprofit corporations, See **NONPROFIT CORPORATIONS**
Novation, rescission when, 28-1-1504
Obligations, rescission of novation, 28-1-1504
Partnerships, 31-2-302, See **PARTNERSHIPS, Dissolution; Winding up**
Sales, effect, See **SALES**
Savings and loan associations, See **BUILDING AND LOAN ASSOCIATIONS, Liquidation**
Savings banks, Title 32, chapter 1, part 5, See **BANKS AND TRUST COMPANIES, Insolvency**
Securities dealer, 30-10-201
Security interests, effect, 30-9-306
Seller of goods, 30-2-501, 30-2-502
Spouses, See **HUSBAND AND WIFE, Debts of spouses**
Transfers when, See **FRAUDULENT CONVEYANCES**
Trust companies, Title 32, chapter 1, part 5, See **BANKS AND TRUST COMPANIES, Insolvency**

INSTALLMENT SALES

See **CREDIT TRANSACTIONS, Retail installment sales**

INSTITUTIONAL FUNDS ACT, UNIFORM MANAGEMENT OF, Title 72, chapter 30

See **TRUSTS AND TRUSTEES, Institutional funds**

INSTITUTIONS

See also specific institution

Accounting system, See **Fiscal affairs**
Adoption of children maintained in, 40-8-111
Aftercare programs, See specific program or institution
Aged, Montana Center for, See **AGING AND AGED PERSONS, Center for the Aged**
Alcoholic beverages, unlawful distribution, 53-1-103
Appropriation requests, legislative review, 5-2-202
Arsonist, notice of release to fire marshal bureau, 53-1-104
Audits, legislative, Title 5, chapter 13, See **LEGISLATIVE AUDIT ACT**

INSTITUTIONS (Continued)

Autopsies of patients or inmates upon death, 50-21-103
Boulder River School and Hospital, See **DEVELOPMENTALLY DISABLED PERSONS**
Buildings, construction, See **CAPITOL AND OTHER STATE BUILDINGS, Construction; INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Center for the Aged, See **AGING AND AGED PERSONS**
Charges for care, Title 53, chapter 1, parts 4 and 5
Children, See **Juveniles**
Commitment, See **COMMITMENT**; specific institution
Community homes, See **DEVELOPMENTALLY DISABLED PERSONS**
Community mental health centers, See **MENTALLY ILL PERSONS, Mental health centers**
Construction of buildings, See **CAPITOL AND OTHER STATE BUILDINGS, Construction; INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Consultants, private, See **STATE GOVERNMENT**
Contingent revolving accounts, 17-2-201
Correctional, See **JAILS, CITY; JAILS, COUNTY; PRISONS**
Custodial interference, 45-5-304, 53-1-102
Deaf and blind, school for, See **DEAF AND BLIND, MONTANA STATE SCHOOL FOR THE**
Debt collection, See **STATE DEBT COLLECTION SERVICE**
Definitions, 53-1-101
Dental hygienists, practice in, 37-4-405
Development, See **INDUSTRIES AND INDUSTRIAL DEVELOPMENT, Development projects**
Disability insurance coverage of services, 33-22-112, 33-30-1002
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Doctors, compensation, See **PUBLIC EMPLOYEES, Compensation determination**
Donations to, See **Endowments**, generally
Drugs, unlawful distribution, 53-1-103
Eastmont Training Center, See **DEVELOPMENTALLY DISABLED PERSONS**
Eminent domain, grounds exempted when, 70-30-102
Employees' children, impact aid for school districts, 20-9-304
Endowments, See also **TRUSTS AND TRUSTEES, Institutional funds**
  acceptance, 17-3-1001
  appropriation of income from, 17-3-1003
  disbursement of income, 17-3-1004
  income from, 17-3-1003, 17-3-1004
  land grants, 17-3-1003, 17-3-1004
  use, 17-3-1001 — 17-3-1004
  who may make, 17-3-1002
Enumeration, 53-1-202
Fire protection and safety regulations, 50-61-103, See **FIRES AND FIRE PROTECTION**, generally
Fiscal affairs, See also **STATE FINANCE**, generally
  accounting system, 17-1-102
  contingent revolving accounts, 17-2-201
  deposit of funds, 17-6-105
  endowments, See **Endowments**
  expenditure control, 17-1-102
  financial
    affairs, examination, 17-1-102
    reports, 17-2-110
  petty cash funds, 17-2-201
  records, availability, 17-2-109
  treasurer for, 17-6-105
  trust funds, See **TRUSTS AND TRUSTEES, Institutional funds**
Fiscal analysis, Title 5, chapter 12, See **LEGISLATIVE FINANCE ACT**
Fish, Wildlife, and Parks — Department of, meat from wild animals distributed by, 87-1-226, 87-1-512

INSTITUTIONS (Continued)

- **Former**, sale of, See **STATE LANDS, Sales**
- **Fraternal benefit societies**, operation by, 33-7-305
- **Galen State Hospital**, See **GALEN STATE HOSPITAL**
- **General provisions**, Title 53, chapter 1, part 1
- **Gifts to**, See **Endowments**, generally
- **Grants to**, See **Endowments**, generally
- **Group homes**, See **DEVELOPMENTALLY DISABLED PERSONS, Communit homes**
- **Health inspections**, 50-1-202
- **Health service corporations**, coverage of services, 33-30-1002
- **Industries**, Title 53, chapter 1, part 3, See also specific institution
- **Inmates**, See **Patients, inmates, or residents**
- **Insurance**
    - disability, coverage of services, 33-22-112, 33-30-1002
    - health service corporations, coverage of services, 33-30-1002
    - professional liability, See **INSURANCE — CASUALTY, Professional liability**
- **Interference with custody of**, 45-5-304, 53-1-102
- **Interstate Compact on Mental Health**, See **MENTALLY ILL PERSONS**
- **Juveniles**
    - adoption of children maintained in institutions, 40-8-111
    - commitment, See **YOUTH COURT, Commitment of youth**
    - correctional facilities, See **YOUTH CORRECTIONAL FACILITIES**
    - interstate placement, Title 41, chapter 4, See **MINORS, Interstate Compact on th Placement of Children**
    - reception and evaluation centers, See **YOUTH RECEPTION AND EVALUATIO CENTERS**
    - rehabilitation, Title 41, chapter 5, part 9, See **YOUTH GUIDANCE HOMES**, generall Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
    - school attendance, assistance to facilitate, 20-5-107.
    - state youth correctional facilities, See **YOUTH CORRECTIONAL FACILITIES**
- **Landlord-tenant provisions**, applicability, 70-24-104
- **Liability**
    - generally, See **TORTS, Governmental entities**
    - professional, See **INSURANCE — CASUALTY**
- **Liquor**, allowances and restrictions, 16-1-204, 16-6-309
- **Long-range building program**, See **CAPITOL AND OTHER STATE BUILDINGS**
- **Meat from wild animals distributed to**, 87-1-226, 87-1-512
- **Mining operations which jeopardize**, 82-4-227
- **Minors**, See **Juveniles**
- **Montana Center for the Aged**, See **AGING AND AGED PERSONS, Center for th Aged**
- **Montana Veterans' Home**, See **VETERANS**
- **Mountain View School**, See **YOUTH CORRECTIONAL FACILITIES**
- **Patients, inmates, or residents**
    - autopsy upon death, 50-21-103
    - charges for care, See **Charges for care**
    - discharge, See **Release from**
    - elections, effect on residence, 13-1-112
    - fishing permits for, 87-2-802, 87-2-804
    - payment for care, See **Payment for care**
    - public employees' retirement system, applicability, 19-3-403
    - release, See **Release from**
    - residence, state — effect, 13-1-112
    - vital statistics information, reporting, 50-15-108
    - work done by, applicability of bid requirements, 18-2-301
- **Payment for care**
    - correctional programs, residential, 53-1-501
    - debt collection, See **STATE DEBT COLLECTION SERVICE**
    - generally, Title 53, chapter 1, part 4
    - youth custodial agencies, applicability in, 41-5-803, 41-5-911
- **Per diem payments**, See **Payment for care**
- **Petty cash funds**, 17-2-201

INSTITUTIONS (Continued)

Physicians
  assistant utilization plans, See **PHYSICIANS AND SURGEONS**
  compensation, See **PUBLIC EMPLOYEES, Compensation determination**
Pine Hills School, See **YOUTH CORRECTIONAL FACILITIES**
Preference to Montana products, 18-1-112
Printing contracts, See **PRINTING**, generally
Prison, state, See **PRISON, STATE**
Prisoners, See **Patients, inmates, or residents; PRISONERS**
Prisoners, work done by — applicability of bid requirements, 18-2-301
Products used by, Montana preference, 18-1-112
Professional liability insurance, See **INSURANCE — CASUALTY**
Property, state — sale of, 18-6-101, 18-6-102
Public assistance recipients, Title 53, chapter 3, part 1
Purchases of goods and services, See **STATE PURCHASING**
Reception and evaluation centers, See **YOUTH RECEPTION AND EVALUATION CENTERS**
Release from
  arsonist, notice to fire marshal bureau, 53-1-104
  without permission unlawful, 53-1-102
Research programs with university system, 20-25-108
Residents, See **Patients, inmates, or residents**
Sale of, See **STATE LANDS, Sales**
School district impact aid for children of employees, 20-9-304
School food services for institutional schools, 20-10-206
Sheltered workshops, procurements from, See **SHELTERED WORKSHOPS**, generally
State prison, See **PRISON, STATE**
Superintendents, creation of advisory councils, 2-15-122
Support, See **Endowments**, generally
Swan River Youth Forest Camp, See **YOUTH FOREST CAMPS**
Teachers
  compensation, See **PUBLIC EMPLOYEES, Classification; Compensation determination**
  retirement, See **TEACHERS' RETIREMENT SYSTEM**
  special education, See **SCHOOLS, Special education**, generally
Torts, See **TORTS, Governmental entities**
Treasurer for, 17-6-105
University system, research programs with, 20-25-108
Veterans as residents
  burial, Title 10, chapter 2, part 5, See **VETERANS, Burial**
  Montana veterans' home, See **VETERANS, Montana Veterans' Home**
Vital statistics information, reporting, 50-15-108
Warm Springs State Hospital, See **MENTALLY ILL PERSONS**
Welfare recipients, See **Public assistance recipients**
Work programs, See **Industries**
Youth correctional facilities, See **YOUTH CORRECTIONAL FACILITIES**
Youth forest camps, See **YOUTH FOREST CAMPS**
Youth reception and evaluation centers, See **YOUTH RECEPTION AND EVALUATION CENTERS**

INSTITUTIONS, DEPARTMENT OF

  See also **EXECUTIVE BRANCH**, generally

Aging and aged persons, powers and duties respecting, See **AGING AND AGED PERSONS**
Alcohol abuse programs, administration, See **ALCOHOL ABUSE**
Board of Pardons, See **PROBATION, PAROLE, AND CLEMENCY, Pardons, Board of**
Clothing purchases, exemption from provisions when, 18-4-104
Community mental health centers, authority, See **MENTALLY ILL PERSONS**
Corrections, Division of, See **CORRECTIONS**

INSTITUTIONS, DEPARTMENT OF (Continued)

Corrections, interstate
  contracts, entry into, 46-19-303
  hearings, 46-19-305
Creation, 2-15-2301
Criminal justice information repository, notice of dispositions to, 44-5-213
Delinquent youth, rehabilitation, Title 41, chapter 5, part 9, See **YOUTH GUIDANC HOMES**, generally
Director
  appointment, 2-15-2301
  criminal offenders with mental disease or defect
    commitment to custody of, 46-14-221, 46-14-312
    resumption of proceedings, application, 46-14-222
  department head, as, 2-15-2301
  developmental disabilities planning and advisory council, member, 2-15-2204
  health reports to, 50-1-202
  youth guidance homes, regulations respecting, 41-5-902
Fingerprinting by, 44-5-202
Fire safety report to, 50-3-102
Furlough programs, supervision, See **PROBATION, PAROLE, AND CLEMENCY**
General provisions, Title 53, chapter 1, part 2
Glendive nursing home, use, See **GLENDIVE NURSING HOME**
Liquor license tax revenues, allocation, 16-1-404
Mentally ill persons, powers and duties respecting, See **MENTALLY ILL PERSONS**
Minors, delinquent — powers and duties respecting, See **YOUTH CORRECTIONA FACILITIES**
Montana Veterans' Home, powers and duties, See **VETERANS**
Pardons, Board of, See **PROBATION, PAROLE, AND CLEMENCY**
Parolees, supervision, See **PROBATION, PAROLE, AND CLEMENCY**
Photography by, 44-5-202
Prisoner supervised release, authority, See **PROBATION, PAROLE, AN CLEMENCY**
Prison, state — authority, See **PRISON, STATE**
Probationers, supervision, See **PROBATION, PAROLE, AND CLEMENCY**
Purchasing provisions, exemption when, 18-4-104
Rehabilitation of delinquent youth, Title 41, chapter 5, part 9, See **YOUTH GUIDANC HOMES**, generally
Shelter care for youth, funding, 41-5-801
Special education
  children requiring, cooperation in discovering, 20-7-404
  out-of-state programs and tuition, 20-7-422
State prison, authority, See **PRISON, STATE**
Superintendent of public instruction, cooperation with, 20-7-404, 20-7-422
Table wine tax, allocation, 16-1-411
Teachers employed by
  compensation, See **PUBLIC EMPLOYEES, Classification; Compensation determination**
  retirement, See **TEACHERS' RETIREMENT SYSTEM**
  special education, See **SCHOOLS, Special education**, generally
Veterans' Home, powers and duties, See **VETERANS**
Youth correctional facilities, supervision, See **YOUTH CORRECTIONAL FACILITIE**
Youth guidance homes, responsibilities regarding, Title 41, chapter 5, part 9, See **YOUT GUIDANCE HOMES**

INSTRUCTIONS TO JURY

  See **JURIES AND JURORS**

INSTRUMENTS

  See also **ACKNOWLEDGMENTS; COMMERCIAL PAPER; CONTRACTS; DEED AND CONVEYANCES**

Abstract defined as, 70-21-101

INSTRUMENTS (Continued)

Agent, by — when binding, 28-10-603
Attestation, 1-4-201, 1-4-202
    military officers, by, 1-5-105
Cancellation, 27-1-433
Certificate of proof, contents, 1-5-305
Conservation districts, power to make and execute, 76-15-320
Construction
    circumstances surrounding execution, consideration, 1-4-102
    intention of parties, 1-4-103
    notices, terms, 1-4-108
    preference to natural right, 1-4-104
    several provisions, effect, 1-4-101
    terms, 1-4-107
Damages, value presumed for, 27-1-304
Declaratory judgments upon, 27-8-202
Definitions, 1-1-203, 70-21-101
Execution
    attestation, 1-4-201, 1-4-202
    circumstances surrounding, consideration, 1-4-102
    defined, 1-1-203
    military officers, by, 1-5-105
    notaries public, by, 1-5-416
    place of, interpretation of language, 1-4-106
    proof, See **Proof of execution**
"Folio" defined, 1-1-203
General versus particular, provisions, 1-3-225, 1-4-103
Interpretation
    language, 1-4-106
    reasonableness, 1-3-233
    voidness not preferred, 1-3-232
Judge, interpretation by, 1-4-101, 1-4-102
Judgment
    effect, 1-5-110
    proof of execution, defective — correction, 1-5-108
    proving instrument, for, 1-5-109
Money, expression of, 30-12-602
Notaries public, execution by, 1-5-416
Notice, construction of terms, 1-4-108
Officers taking proof of execution
    certificate, contents, 1-5-305
    powers, 1-5-304
Particular versus general, provisions, 1-3-225, 1-4-103
Presumptions
    truth of contents, 26-1-601
    value, 27-1-304
Printed versus written words, 1-4-105
"Printing" defined, 1-1-203
Proof of execution
    acknowledgment, lack of, 1-5-301
    certificate, contents, 1-5-305
    defective, correction, 1-5-108
    handwriting, by, 1-5-302
        facts required, 1-5-303
    officers taking, powers, 1-5-304
    required, 70-21-203
    subscribing witness
        defined, 1-1-203
        proof by, 1-5-301, 1-5-302, 70-21-203
Proving, judgment for, 1-5-109
    effect, 1-5-110
Public records, See **PUBLIC RECORDS**
Sales negotiation, See **SALES, Writings and written instruments**

INSTRUMENTS (Continued)

- **Sealed and unsealed**, distinction abolished, 1-4-204, 1-4-206
- **Sealed**, change in, 1-4-206
- **Seals**, See also **SEALS**
  - contract for sale, inoperative, 30-2-203
  - negotiability, effect, 30-3-113
- **Secured transactions**, See **SECURED TRANSACTIONS**
- **"Signature" or "subscription" defined**, 1-1-203, See also specific subject
- **Statutes of limitation**, 27-2-202, 27-2-208
- **Subdivided lands**, See **SUBDIVISIONS, Instruments of transfer**
- **Subscribing witness**, See **Proof of execution**
- **Terms**, construction, 1-4-107, 1-4-108
- **Unsealed**
  - change by, 1-4-206
  - debt, compromise or settlement, 1-4-207
  - effect, 1-4-205
  - sealed and unsealed, distinction abolished, 1-4-204, 1-4-206
- **Value**, presumption, 27-1-304
- **"Writing" defined**, 1-1-203
- **Written words versus printed words**, 1-4-105

INSURANCE

- **Accidental death or injury**, against, See generally **INSURANCE — CASUALTY INSURANCE — DISABILITY; INSURANCE — LIFE**
- **Actions**
  - applications as evidence, when, 33-15-402
  - benefits, recovery — when, 33-15-201
  - information and privacy protection
    - immunity from, when, 33-19-408
    - violations, relief, 33-19-407
  - rating or advisory organizations
    - actions under authority of, 33-16-115
    - penalty, collection, 33-16-114
- **Adjusters**, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
- **Administrators**, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
- **Advertising**, false or deceptive — prohibited, 33-18-202, 33-18-203
- **Advisory organizations**, See **Rating or advisory organizations**
- **Agents**, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
- **Air carriers**, See **INSURANCE — CASUALTY**
- **Aircraft**, against loss or damage, See generally **INSURANCE — CASUALTY**
- **Alcoholism**, coverage for, See **INSURANCE — DISABILITY, Mental illness, alcoholism, and drug addiction — coverage for**
- **Alien insurers**, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**
- **Animals**, against loss or damage, See **INSURANCE — CASUALTY**, generally
- **Annuity contracts**, See **INSURANCE — LIFE**
- **Applications**
  - alterations, 33-15-402
  - consumer report, effect, 31-3-131
  - copies to insured when, 33-15-402
  - domestic stock and mutual insurers, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
  - evidence, as — when, 33-15-402
  - false, penalty, 33-18-401
  - forms — filing, approval, or disapproval, 33-1-501, 33-1-502
  - fraud, 33-15-403
  - life insurance, See **INSURANCE — LIFE**
  - minors, See **Minors**
  - misrepresentations, 33-15-403

INSURANCE (Continued)

Applications (Continued)
  notice of information practices, 33-19-202
  representations in, 33-15-403
  required, 33-15-401
  solicitors, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Arrest bond certificates, See **BAIL, CRIMINAL, Bond certificates**
Assignability, See **Policies**
Assignees, See **Beneficiaries or assignees**
Associations, to indemnify, See **SURETYSHIP AND SURETIES**
Authority of insurers, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**
Authorized insurers, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**
Automobile, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY, Liability insurance**
Automobile clubs, See **MOTOR CLUB SERVICE COMPANIES**
Banks, insurance indemnifying, See **SURETYSHIP AND SURETIES**
Beneficiaries or assignees, See also **Claims and benefits**
  applications, requests for copies, 33-15-402
  assignment of policy, effect, 33-15-414, 33-15-514
  disability insurance, See **INSURANCE — DISABILITY**
  execution, benefits exempt from
    annuity contracts, 33-15-514
    disability insurance, 33-15-513
    group life insurance, 33-15-512
    life insurance, 33-15-511
  life insurance, See **INSURANCE — LIFE**
  recovery of benefits from, when, 33-15-201
Benefits, See **Beneficiaries or assignees; Claims and benefits**
Benevolent associations, See **BENEVOLENT ASSOCIATIONS**
Binders for temporary insurance, 33-15-411, 33-21-205
Blanket disability, See **INSURANCE — DISABILITY**
Boats, against loss or damage to, See **INSURANCE — MARINE**, generally
Boilers, See **INSURANCE — CASUALTY**, generally
Bond certificates, See **BAIL, CRIMINAL, Bond certificates**
Bonds, guaranteeing and executing, See **SURETYSHIP AND SURETIES**
Bridges, against loss or damage to, See **INSURANCE — MARINE**, generally
Burglary, See generally **INSURANCE — CASUALTY; SURETYSHIP AND SURETIES**
Car, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY, Liability insurance**
Casualty, See **INSURANCE — CASUALTY**
Certificates of authority, See **INSURERS — DOMESTIC STOCK AND MUTUAL; INSURERS — FARM MUTUAL; INSURERS ORGANIZATION AND REGULATION GENERALLY; INSURERS — RECIPROCAL**
Citation of Montana Insurance Code, 33-1-101
Claims and benefits, See also **Beneficiaries or assignees**
  adjusters, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
  administration not a waiver, 33-15-504
  administrators, settlement by, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS, Administrators**, generally
  credit life and disability, 33-21-105
  disability insurance, See **INSURANCE — DISABILITY**
  discharge of insurer, 33-15-501
  discrimination prohibited, 33-18-206
  execution, proceeds exempt from, 33-15-511 — 33-15-514
  facility-of-payment clause, 33-15-511, 33-15-512
  false, penalty, 33-18-401
  fraudulent practices, 33-15-511, 33-15-514
  health care records, disclosure, 50-16-311 — 50-16-313

INSURANCE (Continued)

Claims and benefits (Continued)
- insolvent companies, from, See **INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION**; See also generally **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANT ASSOCIATION — LIFE AND HEALTH**
- life insurance, See **INSURANCE — LIFE**
- loss
  - acknowledgment, 33-15-504
  - investigation, 33-15-504
  - proof of, forms, 33-15-503, 33-15-504
- medical records, disclosure, 50-16-311 — 50-16-313
- minors, 33-15-502
- nonpayment, 33-2-119
- notice of information practices, 33-19-202
- payment
  - acquittance, 33-15-501, 33-15-502
  - insurer, discharge and notice to contrary, 33-15-501
- settlement
  - negotiator for, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AN CONSULTANTS**, **Administrators**, generally; **Adjusters**, generally
  - unfair practices prohibited, 33-18-201
- transfer excluded as secured transaction, 30-9-104
- unfair practices prohibited, 33-18-201

Commercial paper, against loss or damage to, See **SURETYSHIP AND SURETIE** generally

Commissioner of, See **INSURANCE, COMMISSIONER OF**

Common trust funds, exclusion as, 32-1-708

Communications, against loss or damage to, See **INSURANCE — MARINE**, generally

Companies, See **INSURANCE — SURPLUS LINE, Insurers; INSURERS — DOMESTIC STOCK AND MUTUAL; INSURERS — FARM MUTUAL; INSURER ORGANIZATION AND REGULATION GENERALLY; INSURERS — RECIPROCAL; SURETYSHIP AND SURETIES, Surety insurers**

Compliance with Montana Insurance Code, 33-1-102

Condominiums, 70-23-612, 70-23-805

Consideration for, See **Premiums**

Consultants, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AN CONSULTANTS**

Consumer loan businesses, limitations, 32-5-306

Consumer reports, See **Information and privacy protection**; See also **CONSUME PROTECTION, Investigation and reporting**

Contract of insurance
- agreements, to contain, 33-18-208
- annuity, See **INSURANCE — LIFE**
- applications for, See **Applications**
- benefits, See **Claims and benefits**
- claims, See **Claims and benefits**
- definitions, 33-15-102, 33-15-201, 33-15-205
- disability insurance, See **INSURANCE — DISABILITY**
- insurable interests, See **Insurable interests**
- lenders, unreasonable rejection, 33-18-501
- life insurance, See **INSURANCE — LIFE**
- minors, See **Minors**
- performance of, insurance guaranteeing, See **SURETYSHIP AND SURETIES**, general
- policies, See **Policies**
- power to, 33-15-103
- premiums, See **Premium finance companies; Premiums**; See also **Rates and rati plans**
- rates, See **Rates and rating plans**
- scope of provisions, 33-15-101
- surplus line, See **INSURANCE — SURPLUS LINE**
- temporary insurance, binders for, 33-15-411, 33-21-205

Conversion, wrongful — against, See **INSURANCE — CASUALTY**, generally

INSURANCE (Continued)

Corporate power to establish plans, 35-1-108, 35-1-414
Corporations, to indemnify, See **SURETYSHIP AND SURETIES**, generally
Cost of doing business, 30-14-202
Coverages, definitions of kinds of insurance not mutually exclusive, 33-1-205, See also **Definitions**
Credit insurance, See **INSURANCE — CASUALTY**, generally
Credit Life Insurance and Credit Disability Insurance, The Model Act for the Regulation of, Title 33, chapter 21, See **INSURANCE — LIFE, Credit life and disability**
Credit life and disability insurance, See **INSURANCE — LIFE**
Credit unions, See **CREDIT UNIONS**
Criminal mischief, insurance against, See generally **INSURANCE — CASUALTY; SURETYSHIP AND SURETIES**
Deceptive practices, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Prohibited practices**; See also **INSURANCE — CASUALTY**, generally
Deeds, against loss or damage to, See **SURETYSHIP AND SURETIES**, generally
Definitions, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
- adjuster, 33-17-102, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
- administrator, 33-17-601, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
- advisory organization, 33-16-102, See **Rating or advisory organizations**
- agent, 33-17-102, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
- blanket disability insurance, 33-22-601, See **INSURANCE — DISABILITY**
- casualty insurance, 33-1-206, See **INSURANCE — CASUALTY**
- commissioner, 33-1-202, 33-2-1303, See **INSURANCE, COMMISSIONER OF**
- coverages, definitions not mutually exclusive, 33-1-205
- credit disability insurance, 33-21-103, See **INSURANCE — LIFE, Credit life and disability**
- credit life insurance, 33-21-103, See **INSURANCE — LIFE, Credit life and disability**
- department, 33-1-202, See **INSURANCE, DEPARTMENT OF**
- disability insurance, 33-1-207, See **INSURANCE — DISABILITY**
- employee life insurance, 33-20-1002, See **INSURANCE — LIFE, Group life**
- extended health insurance, 33-22-802, See **INSURANCE — DISABILITY, Extended health insurance for older persons**
- franchise disability insurance, 33-22-401, See **INSURANCE — DISABILITY**
- group disability insurance, 33-22-501, See **INSURANCE — DISABILITY**
- industrial life insurance, 33-20-102, See **INSURANCE — LIFE**
- insurable interest, 33-15-201, 33-15-205
- insurance, 33-1-201
- insurance premium finance company, 33-14-102, See **Premium finance companies**
- kinds of insurance, definitions not mutually exclusive, 33-1-205
- life insurance, 33-1-208, See **INSURANCE — LIFE**
- marine protection and indemnity, 33-1-209, See **INSURANCE — MARINE**
- medicare supplement policy, 33-22-903, See **INSURANCE — DISABILITY, Medicare supplement insurance**
- nationwide inland marine definition act, 33-1-221 — 33-1-229, See **INSURANCE — MARINE**
- policy, 33-15-102, 33-15-323, See **Policies**
- premium, 33-10-202, 33-15-102, See **Premiums**
- premium finance agreement, 33-14-102, See **Premium finance companies**
- property insurance, 33-1-210, See **INSURANCE — PROPERTY**
- rating organization, 33-16-102, See **Rating or advisory organizations**
- reciprocal insurance, 33-5-102, See **INSURERS — RECIPROCAL**, generally
- solicitor, 33-17-102, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
- surety insurance, 33-1-211, See **SURETYSHIP AND SURETIES**
- title insurance, 33-1-212, See **INSURANCE — TITLE**

INSURANCE (Continued)

- **Definitions** (Continued)
  - transact, 33-1-201
  - wet marine insurance, 33-1-209, See **INSURANCE — MARINE**
- **Delivery of policy**, See **Policies**
- **Department of**, See **INSURANCE, DEPARTMENT OF**
- **Disability**
  - credit, See **INSURANCE — LIFE, Credit life and disability**
  - generally, See **INSURANCE — CASUALTY; INSURANCE — DISABILIT INSURANCE — LIFE**
- **Dividends**
  - discrimination prohibited, 33-18-206, 33-18-210
  - domestic stock and mutual, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
  - farm mutual insurers, See **INSURERS — FARM MUTUAL**
  - life insurance, See **INSURANCE — LIFE**
  - rates, consideration in making and use, 33-16-201
  - rating plans or systems, payments not, 33-16-104
  - rebates prohibited, 33-18-210
- **Docks and wharves**, against loss or damage to, See **INSURANCE — MARINE**, generally
- **Domestic stock or mutual companies**, See **INSURERS — DOMESTIC STOCK AN MUTUAL**
- **Drug addiction**, coverage for, See **INSURANCE — DISABILITY, Mental illness, alc holism, and drug addiction — coverage for**
- **Elevator insurance**, See **INSURANCE — CASUALTY**, generally
- **Emergency road service**, See **MOTOR CLUB SERVICE COMPANIES**
- **Employee group**, See **INSURANCE — LIFE, Groups and group requirements**
- **Employee life**, See **INSURANCE — LIFE, Group life**
- **Employer and labor union combinations for life insurance**, See **INSURANCE - LIFE, Groups and group requirements**
- **Employer's liability**, See **INSURANCE — CASUALTY**, generally
- **Endorsements**, See **Policies**
- **Endowment contracts**, See **INSURANCE — LIFE, Annuity contracts**, generally
- **Entertainments**, See **INSURANCE — CASUALTY**, generally
- **Errors and omissions**, See **INSURANCE — CASUALTY, Professional liability**
- **Evidence**, admissibility of agreements, Title 25, chapter 20, M.R.Civ.P., Rule 26(b)
- **Examinations and examiners**, See **INSURANCE, COMMISSIONER OF**
- **Exceptions to Montana Insurance Code**, 33-1-102
- **Factor's authority**, 30-11-606
- **Farm mutual companies**, See **INSURERS — FARM MUTUAL**
- **Federal Deposit Insurance Corporation**, Title 32, chapter 1, part 6, See **BANKS AN TRUST COMPANIES**
- **Federal Savings and Loan Insurance Corporation**, 32-2-406
- **Fidelity**
  - bonds, See **SURETY BONDS**, generally
  - insurance, See **SURETYSHIP AND SURETIES**, generally
- **Finance companies**
  - limitations, 32-5-306
  - premium, See **Premium finance companies**
- **Fines**, 33-1-104, 33-1-317, See also generally **Violations of Montana Insurance Code**
- **Fire**, See also **FIRES AND FIRE PROTECTION**
  - extinguishing equipment insurance, See **INSURANCE — CASUALTY**, generally
  - insurance against loss or damage from, See generally **INSURANCE — PROPERTY**
- **Foreign insurers**, See **INSURERS ORGANIZATION AND REGULATIO GENERALLY**
- **Forgery**, against, See **INSURANCE — CASUALTY**, generally
- **Forms**, See **Policies**
- **Franchise disability**, See **INSURANCE — DISABILITY**
- **Fraternal benefit societies**, See **FRATERNAL BENEFIT SOCIETIES**
- **Fraud**, against, See **INSURANCE — CASUALTY**, generally
- **Freight insurance**, See **INSURANCE — MARINE**, generally
- **Group**
  - public employees, for, See **INSURANCE — LIFE, Group life; Groups and grou requirements; PUBLIC EMPLOYEES, Group benefits**
  - trusts created within, property restraints inapplicable, 70-1-411

INSURANCE (Continued)

Group disability, See **INSURANCE — DISABILITY**
Group life, See **INSURANCE — LIFE, Groups and group requirements**
Guaranteed arrest bond certificates, See **BAIL, CRIMINAL, Bond certificates**
Guaranty associations, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**; See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Hail, See **HAIL INSURANCE**; See also **INSURERS — FARM MUTUAL**
Health insurance, See generally **INSURANCE — DISABILITY; INSURANCE — LIFE**; See also **INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
Hearings, See **INSURANCE, COMMISSIONER OF**
Home health care, coverage for, See **INSURANCE — DISABILITY**
Homeowner's, See **INSURANCE — PROPERTY**, generally
Horseracing, See **INSURANCE — CASUALTY**
Hospitalization, See generally **INSURANCE — CASUALTY; INSURANCE — DISABILITY**
Incorporation of insurers, See **INSURERS — DOMESTIC STOCK AND MUTUAL; INSURERS — FARM MUTUAL; INSURERS ORGANIZATION AND REGULATION GENERALLY; INSURERS — RECIPROCAL**
Indemnity, See **INDEMNITY**
Individual deferred annuities, See **INSURANCE — LIFE, Standard nonforfeiture law — individual deferred annuities**
Individual Family Disability Insurance Continuity of Coverage Act, 33-22-305 — 33-22-311, See **INSURANCE — DISABILITY, Individual family members continuity of coverage**
Inducements prohibited, 33-18-211
Industrial accidents and illnesses, See **Workers' compensation**; See also **OCCUPATIONAL DISEASE; WORKERS' COMPENSATION**
Industrial life, See **INSURANCE — LIFE**
Information and privacy protection
  actions
    immunity from, when, 33-19-408
    violations, relief, 33-19-407
  adverse underwriting decisions
    defined, 33-19-104
    previous, 33-19-305
      information concerning, 33-19-304
    reasons for, 33-19-303
  applicants
    defined, 33-19-104
    notice of information practices, 33-19-202
  authorization forms, content and disclosure, 33-19-204
  citation of insurance information and privacy protection act, 33-19-101
  definitions, 33-19-104
  disclosure
    authorization forms, 33-19-204
    false information, 33-19-408
    immunity from action or relief when, 33-19-408
    limitations and conditions, 33-19-306
    personal information, recorded, 33-19-301, 33-19-302
  enforcement
    examinations, 33-19-401
    hearings, 33-19-402
    investigations, 33-19-401
    judicial review of orders or reports, 33-19-406
    orders, 33-19-405, 33-19-406
    penalties, civil, 33-19-405
    reports, 33-19-404, 33-19-406
    service of process, 33-19-403
  false information, 33-19-408
  false pretenses, obtaining information under, 33-19-409

INSURANCE (Continued)

Information and privacy protection (Continued)
- immunity from action or relief when, 33-19-408
- investigative consumer reports, 33-19-205
  - defined, 33-19-104
- marketing and research surveys, 33-19-203, 33-19-306
- medical record information
  - defined, 33-19-104
  - disclosure, 33-19-301, 33-19-303
- notice of information practices, 33-19-202
- penalties, civil, 33-19-405
- personal information
  - defined, 33-19-104
  - disclosure
    - authorization form, 33-19-204
    - limitations and conditions, 33-19-306
  - notice of information practices, statement in, 33-19-202
  - recorded
    - access to, 33-19-301
    - correction, amendment, or deletion, 33-19-302
    - disputed, 33-19-302
- policyholders
  - defined, 33-19-104
  - notice of information practices, 33-19-202
- pretext interviews
  - defined, 33-19-104
  - prohibited and exception, 33-19-201
- privileged information
  - defined, 33-19-104
  - disclosure
    - authorization form, 33-19-204
    - limitations and conditions, 33-19-306
- purpose of provisions, 33-19-102
- residual market mechanism
  - coverage previously obtained through, effect, 33-19-304, 33-19-305
  - defined, 33-19-104
- rights of individuals and natural persons, 33-19-301, 33-19-302
  - violations
    - penalties, 33-19-405, 33-19-406
    - remedies, 33-19-407
    - reports regarding, 33-19-404, 33-19-406
- scope of provisions, 33-19-103
- service of process, 33-19-403
- short title, 33-19-101
- violations
  - false pretenses, obtaining information under, 33-19-409
  - penalties, civil, 33-19-405
  - remedies, individual, 33-19-407, 33-19-408

Information and Privacy Protection Act, Title 33, chapter 19, See **Information and pri vacy protection**

Insurable interests
- defined, 33-15-201, 33-15-205
- personal insurance, restrictions, 33-15-201, 33-15-401
- property insurance, See **INSURANCE — PROPERTY**

Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**

Insurance Consultant Licensure Act, Title 33, chapter 17, part 5, See **INSURANC AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS, Licenses — consultants**

Insurance Information and Privacy Protection Act, Title 33, chapter 19, See **Informa tion and privacy protection**

Insurance Premium Finance Company Act, Title 33, chapter 14, See **Premium financ companies**

INSURANCE (Continued)

Insurers, See **INSURANCE — SURPLUS LINE; INSURERS — DOMESTIC STOCK AND MUTUAL; INSURERS — FARM MUTUAL; INSURERS ORGANIZATION AND REGULATION GENERALLY; INSURERS — RECIPROCAL; INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION; SURETYSHIP AND SURETIES**, **Surety insurers**
Interests insurable, See **Insurable interests**
Interinsurance, See **INSURERS — RECIPROCAL**, generally
Investigations, See **INSURANCE, COMMISSIONER OF**
Joint reinsurance, See **Rating or advisory organizations**
Joint underwriting associations, See **Rating or advisory organizations**; See also **INSURANCE — DISABILITY**, **Extended health insurance for older persons**
Jurisdiction of courts, Title 25, chapter 20, M.R.Civ.P., Rule 4B
Kinds of, definitions not mutually exclusive, 33-1-205, See also **Definitions**
Labor union groups, See **INSURANCE — LIFE**, **Group life; Groups and group requirements**
Language Simplification Act, Life and Disability Insurance Policy, 33-15-321 — 33-15-329, See **Policies**, language simplification
Leakage, See **INSURANCE — CASUALTY**, generally
Lenders, restrictions, 33-18-501
Liability, See **INSURANCE — CASUALTY; INSURANCE — MARINE**, generally; **MOTOR VEHICLE FINANCIAL RESPONSIBILITY**, **Liability insurance**
Life, See **INSURANCE — LIFE**
Life and Disability Insurance Policy Language Simplification Act, 33-15-321 — 33-15-329, See **Policies**, language simplification
Livestock, See **INSURANCE — CASUALTY**, generally
Loan companies, limitations, 32-5-306
Loans on policies, See **INSURANCE — LIFE**, **Loans, policy**
Losses, See **Claims and benefits**
Lotteries, insuring or publishing offer to insure unlawful, 23-5-207
Machinery insurance, boiler and, See **INSURANCE — CASUALTY**, generally
Malpractice, See **INSURANCE — CASUALTY**, generally
Marine protection and indemnity, See **INSURANCE — MARINE**
Medical liability, See generally **INSURANCE — CASUALTY**
Medical service, See **INSURANCE — DISABILITY**, generally
Medicare Supplement Insurance Minimum Standards Act, Title 33, chapter 22, part 9, See **INSURANCE — DISABILITY**, **Medicare supplement insurance**
Mental illness, coverage for treatment, See **INSURANCE — DISABILITY**, **Mental illness, alcoholism, and drug addiction — coverage for**
Minors
  applications, 33-15-401
  claims and benefits, acquittance for payments, 33-15-502
  contracts, power to make, 33-15-103
  disability insurance, See **INSURANCE — DISABILITY**
  life insurance, 33-20-115, 33-20-204
Miscellaneous, See **INSURANCE — CASUALTY**, generally
Model Act for the Regulation of Credit Life Insurance and Credit Disability Insurance, The, Title 33, chapter 21, See **INSURANCE — LIFE**, **Credit life and disability**
Montana Insurance Code
  benevolent associations, applicability, 33-6-101
  citation, 33-1-101
  compliance, 33-1-102
  enforcement, 33-1-311
  exceptions, 33-1-102, 33-6-101, 33-7-101, 33-7-104
  fraternal benefit societies, applicability, 33-7-101, 33-7-104
  health service corporations, nonapplicability, 33-1-102, 33-30-102
  nonresident agents subject to, 33-17-406
  particular provisions prevail, 33-1-103
  violations, See **Violations of Montana Insurance Code**
Montana Insurance Consultant Licensure Act, Title 33, chapter 17, part 5, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**, **Licenses — consultants**

INSURANCE (Continued)

- **Mortgages**, against loss or damage, See **SURETYSHIP AND SURETIES**, generally
- **Mortgagor**
  - on loan guaranteed by
    - federal housing administrator, 32-1-434
    - national housing act, 32-2-501, 32-2-503
  - policy, copy to — when, 33-15-412
- **Motor Club Service Companies**, See **MOTOR CLUB SERVICE COMPANIES**
- **Motor vehicles**, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY, Liabilit insurance**
- **Mutual companies**, See **INSURERS — DOMESTIC STOCK AND MUTUAL; INSURERS — FARM MUTUAL**
- **Nationwide Inland Marine Definition Act**, 33-1-221 — 33-1-229, See **INSURANCE — MARINE**
- **Nonforfeiture Law for Individual Deferred Annuities, Standard**, Title 33, chapter 2 part 5, See **INSURANCE — LIFE, Standard nonforfeiture law — individua deferred annuities**
- **Nonforfeiture Law for Life Insurance, Standard**, Title 33, chapter 20, part 2, Se **INSURANCE — LIFE, Standard nonforfeiture law — life insurance**
- **Organization of insurers**, See **INSURERS — DOMESTIC STOCK AND MUTUAL INSURERS — FARM MUTUAL; INSURERS ORGANIZATION AN REGULATION GENERALLY; INSURERS — RECIPROCAL**
- **Personal insurance**, See **Insurable interests**
- **Personal property floater**, See **INSURANCE — CASUALTY**, generally
- **Personal solicitation sales**, exemption, 30-14-502
- **Pipelines**, coverage for, See **INSURANCE — MARINE**, generally
- **Pledgor**, copy of policy to — when, 33-15-412
- **Policies**
  - advertising, false or deceptive — prohibited, 33-18-202
  - agents, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AN CONSULTANTS**
  - applications for, See **Applications**
  - assets as insurer's assets, 33-2-501
  - assignability, 33-15-414, 33-15-514, 33-20-109, 33-22-215
  - assignees, See **Beneficiaries or assignees**
  - beneficiaries, See **Beneficiaries or assignees**
  - benefits, See **Claims and benefits**
  - binders for temporary insurance, 33-15-411, 33-21-205
  - blanket disability, See **INSURANCE — DISABILITY, Policies, blanket disability**
  - claims, See **Claims and benefits**
  - combination policies, 33-15-307
  - construction, 33-15-316
  - content
    - generally, 33-15-303
    - permissible, 33-15-304
    - prohibited, 33-15-305
  - contract contained in, 33-15-302
  - countersignature requirements, 33-17-404, 33-17-1111, 33-17-1112, 33-17-1114
  - credit life and disability, See **INSURANCE — LIFE, Credit life and disability**, generally
  - defined, 33-15-102, 33-15-323
  - delivery, 33-15-412
  - disability insurance, See **INSURANCE — DISABILITY, Policies — blanket disability**
  - domestic stock and mutual insurers, See **INSURERS — DOMESTIC STOCK AN MUTUAL**
  - duplicates, 33-15-412
  - endorsements, 33-15-102, 33-15-302, 33-15-315
    - filing fee, 33-2-708
    - forms, 33-1-501, 33-1-502
  - execution, 33-15-306
  - facsimile signatures, 33-15-306
  - fees, discrimination prohibited, 33-18-206

INSURANCE (Continued)

Policies (Continued)
- forms
  - defined, 33-15-323
  - farm mutual insurers, 33-4-302, 33-4-509
  - filing
    - approval or disapproval, 33-1-501, 33-1-502, 33-15-328
    - farm mutual insurers, 33-4-509
    - fees, 33-2-708
    - language simplification provisions, applicability, 33-15-328
    - rating organizations, by — when, 33-1-501
  - identification, 33-15-303
  - motor club service company service contracts, See **MOTOR CLUB SERVICE COMPANIES, Service contracts**
  - noncomplying, validity, 33-15-315
- group, See **INSURANCE — DISABILITY, Policies, group; INSURANCE — LIFE, Group life**
- guaranty associations, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
- home or branch office, issuance at, 33-17-1114
- invalid provisions, 33-15-305
- language simplification
  - applicability schedule, 33-15-329
  - application of provisions, 33-15-324
  - citation of life and disability insurance policy language simplification act, 33-5-321
  - construction of provisions, 33-15-326
  - definitions, 33-15-323, 33-15-325
  - exceptions, 33-15-324
  - flesch reading ease test and score, 33-15-325
    - lower score than, authorization, 33-15-327
  - forms, approval, 33-15-328
  - non-english policies, 33-15-324
  - purpose of provisions, 33-15-322
  - short title, 33-15-321
  - standards, minimum, 33-15-325
- life insurance, See **INSURANCE — LIFE**, generally
- liquidation of insurer, coverage during, 33-2-1343
- loans
  - as investments, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Investments**
  - on policies, See **INSURANCE — LIFE, Loans, policy**
- misrepresentations prohibited, 33-18-202, 33-18-204
- mortgagor, copy to — when, 33-15-412
- motor club service company service contracts, See **MOTOR CLUB SERVICE COMPANIES, Service contracts**
- non-english, 33-15-324
- notice of information practices, 33-19-202
- outside state, originating, 33-17-1113
- pledgor, copy to — when, 33-15-412
- premiums, See **Premium finance companies; Premiums**
- prohibited practices, 33-18-202
- reciprocal insurers, See **INSURERS — RECIPROCAL**
- recovery under, precluded when, 33-15-403
- reinstatement, 33-15-402
- renewal, 33-15-402
  - certificate, by, 33-15-413
  - forms, 33-1-501, 33-1-502
- riders, 33-15-102, 33-15-302, 33-15-315
  - filing fee, 33-2-708
  - forms, 33-1-501, 33-1-502
- specimen copies required when, 33-2-115
- standard provisions, 33-15-301

INSURANCE (Continued)

Policies (Continued)
- surplus line agents, issuance and delivery, 33-2-308
- temporary insurance, binders, 33-15-411, 33-21-205
- twisting prohibited, 33-18-204
- underwriters' policies, 33-15-307
- unearned, See **Premiums**
- vendee, copy to — when, 33-15-412
- waiver of provisions when, 33-15-301
  - claims administration not, 33-15-504
- written how, 33-17-1111

Premium finance companies
- cancellation
  - charge, 33-14-303
  - insurance contract, 33-14-304, 33-14-305
- citation of insurance premium finance company act, 33-14-101
- definitions, 33-14-102, 33-14-301
- delinquency charge, 33-14-303
- exceptions, 33-14-307
- finance agreements
  - charges, 33-14-302, 33-14-303
  - contents and delivery, 33-14-301
  - default, 33-14-303, 33-14-304
  - defined, 33-14-102
  - security interest, as, 33-14-306
  - transfers, 33-14-201
- finance charges, 33-14-302
- holding company systems, acquisition by, 33-2-1102
- licensees
  - defined, 33-14-102
  - interrogatories, 33-14-201
- licenses
  - applicants, investigation and qualification, 33-14-202
  - fee, 33-14-201
  - issuance, 33-14-202
  - renewal, 33-14-201, 33-14-202
  - requirements, 33-14-201
  - revocation or suspension, 33-14-203
- notice of cancellation, 33-14-304
- records, 33-14-204
- refund of premiums when, 33-14-305
- service charge, 33-14-302
- short title, 33-14-101
- unearned premiums, return, 33-14-305
- violations, 33-14-201, 33-14-203

Premiums, See also **Rates and rating plans**; See also **INSURERS ORGANIZATIO AND REGULATION GENERALLY**
- abatement, 33-18-209, 33-18-210
- administrators, collection by, See **INSURANCE AGENTS, SOLICITORS ADJUSTERS, AND CONSULTANTS, Administrators**
- bonuses, 33-18-209
- credit extended to policyholders, 33-18-213
- credit life and disability, 33-21-205, 33-21-206, See also **INSURANCE — LIFE, Credi life and disability**
- defined, 33-10-202, 33-15-102
- disability insurance, See **INSURANCE — DISABILITY**
- discrimination prohibited, 33-18-206
- domestic stock and mutual insurers, See **INSURERS — DOMESTIC STOCK AN MUTUAL**
- finance companies, See **Premium finance companies**
- guaranty associations, See **INSURANCE GUARANTY ASSOCIATION – CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATIO — LIFE AND HEALTH**

INSURANCE (Continued)

Premiums (Continued)
- illegal dealing in, 33-18-212
- life insurance, See **INSURANCE — LIFE**
- policies, specified in, 33-15-303
- policyholders, credit extended to, 33-18-213
- rebates prohibited, 33-18-208, 33-18-210
- reduction, 33-18-210
- risks, classification for establishment, 33-16-201
- solicitors, collection, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
- unabsorbed deposits, 33-18-210
  - rates, consideration in making and use, 33-16-201
  - rating plan or system, payments not, 33-16-104
- unearned, reserves for, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Reserves**

Premium tax, See **INSURERS ORGANIZATION AND REGULATION GENERALLY; TAXATION, Insurance**

Product liability insurers, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**

Professional liability, See **INSURANCE — CASUALTY**

Prohibited practices, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**

Property, See **Insurable interests**; See also generally **INSURANCE — CASUALTY; INSURANCE — MARINE; INSURANCE — PROPERTY; INSURANCE — TITLE**

Public employees, group insurance for, See **INSURANCE — LIFE, Group life; Groups and group requirements; PUBLIC EMPLOYEES, Group benefits; Groups and group requirements**

Pure endowment contracts, See **INSURANCE — LIFE, Annuity contracts**, generally

Rates and rating plans, See also **Premiums**
- administration of provisions, 33-16-116
- advisory organizations, See **Rating or advisory organizations**
- application of provisions, 33-16-103
- complaints, 33-16-204
- credit life and disability, 33-21-205, 33-21-206, See also **INSURANCE — LIFE, Credit life and disability**
- definitions, 33-16-102
- deviations, filing, 33-16-203
- discrimination prohibited, 33-18-206, 33-18-210
- dividends
  - allowed or returned, consideration, 33-16-201
  - payments not prohibited, 33-16-104
- enforcement of provisions, 33-16-116
- examinations, 33-16-205
- excessive, 33-16-201
- expense experience
  - consideration, 33-16-201
  - recording and reporting, 33-16-202
- farm mutual insurers, 33-4-510
- fictitious groups, preferred rates prohibited, 33-18-207
- filing, 33-16-203, 33-21-205, 33-21-206
  - deviations, 33-16-203
  - fee, 33-2-708
- group rates and forms, preferred — approval, 33-18-207
- hazards, consideration, 33-16-201
- hearings, 33-16-204, 33-16-206
- inadequate, 33-16-201
- insurers acting in concert, See **Rating or advisory organizations**
- intent of provisions, 33-16-101
- joint underwriting associations, See **Rating or advisory organizations**
- loss experience
  - consideration, 33-16-201
  - recording and reporting, 33-16-202

INSURANCE (Continued)

Rates and rating plans (Continued)
- noncompliance, 33-16-205, 33-16-206
- notices, 33-16-205, 33-16-206
- preferred rates, 33-18-207
- purpose of provisions, 33-16-101
- rating organizations, See **Rating or advisory organizations**
- reserve revenues and profits, consideration, 33-16-201
- review, requests for, 33-16-204
- risks, grouping, 33-16-201
- rules and plans, 33-16-202
- savings
  - allowed or returned, consideration, 33-16-201
  - payments not prohibited, 33-16-104
- standards applicable to, 33-16-201
- "subscriber" defined, 33-16-102
- title insurance, 33-25-102
- unabsorbed premium deposits
  - consideration, 33-16-201
  - payments not prohibited, 33-16-104
- underwriting profit and contingencies, consideration, 33-16-201
- use prohibited when, 33-16-211
- violations, 33-16-211
- workers' compensation, See **Workers' compensation**

Rating or advisory organizations
- actions by, 33-16-115
- administration of provisions, 33-16-116
- advisory organizations, 33-16-308
  - defined, 33-16-102
- appeals, 33-16-113
- application of provisions, 33-16-103
- authorization, 33-16-101
  - acts done under, 33-16-115
- casualty insurance, agreement for apportionment, 33-16-305
- consultations, 33-16-304
- definitions, 33-16-102
- enforcement of provisions, 33-16-116
- examinations, 33-16-106, 33-16-205, 33-16-403
- exchange of data, 33-16-304
- false information, 33-16-107
- filing
  - forms, when, 33-1-501
  - rates and deviations therefrom, 33-16-203
- forms, filing — when, 33-1-501
- fraudulent practices, 33-16-111
- hearings, 33-16-111, 33-16-305, 33-16-403
- information
  - availability, 33-16-106
  - willfully withheld, not to be, 33-16-107
- insurers acting in concert
  - authorization, 33-16-301, 33-16-302
  - common ownership or cosureties on bond, insurers with, 33-16-302, 33-16-405
- insurer's certificate of authority, revocation or suspension, 33-16-111, 33-16-112
- joint reinsurers and reinsurance, 33-16-306, 33-16-307
- joint underwriters and underwriting, 33-16-306, 33-16-307
- licenses
  - applicants, investigation, 33-16-403
  - applications, 33-16-401
    - examination, 33-16-403
  - evidence prerequisite, 33-16-402
  - fee, 33-16-403
  - issuance, 33-16-403
  - suspension or revocation, 33-16-111, 33-16-112

INSURANCE (Continued)

Rating or advisory organizations (Continued)
  loss and expense experience, assistance in compiling, 33-16-202
  "member" defined, 33-16-102
  membership eligibility, 33-16-404, 33-16-405
  notices, 33-16-305, 33-16-403
  orders concerning, 33-16-111, 33-16-305
    appeals from, 33-16-113
    noncompliance, 33-16-112, 33-16-114
    suspended when, 33-16-113
  penalty, 33-16-114
  policy or bond forms, use, 33-16-303
  rates and rating plans, use, 33-16-303, See also **Rates and rating plans**
  "rating organization" defined, 33-16-102
  records
    examination, 33-16-106
    maintenance, 33-16-105
  services, availability, 33-16-101
  underwriting rules, use, 33-16-303
  violations, 33-16-111, 33-16-114
  workers' compensation, See **Workers' compensation**
Rebates prohibited, 33-18-208, 33-18-210
Reciprocal, See **INSURERS — RECIPROCAL**, generally
Reciprocal companies, See **INSURERS — RECIPROCAL**
Regulation of insurers, See **INSURERS — DOMESTIC STOCK AND MUTUAL; INSURERS — FARM MUTUAL; INSURERS ORGANIZATION AND REGULATION GENERALLY; INSURERS — RECIPROCAL**
Reinsurance, See **Rating or advisory organizations**, generally; See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
Renewal by certificate, See **Policies**
Reports on applicants and insureds, See **CONSUMER PROTECTION**, **Investigation and reporting**
Reversionary annuity contracts, See **INSURANCE — LIFE**
Riders, See **Policies**
Risks, classification for establishment of rates and premiums, 33-16-201
Robbery, against, See generally **INSURANCE — CASUALTY; SURETYSHIP AND SURETIES**
Sale of goods, c. i. f. terms, 30-2-320
Savings
  consideration in making and use of rates, 33-16-201
  payments
    allowance or return, 33-18-210
    rating plan or system, not, 33-16-104
  reciprocal insurers, distribution, 33-5-410
Secured transactions
  claims transfer, exclusion, 30-9-104
  collateral, 30-9-207
Securities
  insurance against loss or damage, See generally **SURETYSHIP AND SURETIES**
  registration, exemption, 30-10-104, 30-10-105
Short title, 33-1-101
Solicitors, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Standard Nonforfeiture Law for Individual Deferred Annuities, Title 33, chapter 20, part 5, See **INSURANCE — LIFE**
Standard Nonforfeiture Law for Life Insurance, Title 33, chapter 20, part 2, See **INSURANCE — LIFE**
Standard valuation of reserve liabilities law — life insurance, 33-2-521 — 33-2-526, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Reserves**, life insurance, standard valuation of reserve liabilities
State, for, See **TORTS, Governmental entities**
Stock companies, See **INSURERS — DOMESTIC STOCK AND MUTUAL**

INSURANCE (Continued)

Surety insurance and companies, See **SURETYSHIP AND SURETIES, Surety insurance; Surety insurers**
Surplus line, See **INSURANCE — SURPLUS LINE**
Surplus Line Insurance Law, Title 33, chapter 2, part 3, See **INSURANCE — SURPLUS LINE**
Taxation, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Premium tax**; See also **TAXATION**
Temporary insurance, binders for, 33-15-411, 33-21-205
Theft, against, See generally **INSURANCE — CASUALTY; SURETYSHIP AND SURETIES**
Title, See **INSURANCE — TITLE**
Tornadoes, against loss or damage from, See generally **INSURANCE — PROPERTY**
Towing companies, See **MOTOR CLUB SERVICE COMPANIES**
Transportation, See **INSURANCE — MARINE**, generally
Twisting prohibited, 33-18-204
Unauthorized Insurers Process Act, 33-1-611 — 33-1-616, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Service of process**
Undertakings, guaranteeing and executing, See **SURETYSHIP AND SURETIES**, generally
Underwriters, See **Policies; Rating or advisory organizations**; See also **INSURERS — RECIPROCAL**, generally
Unemployment, See **UNEMPLOYMENT INSURANCE**
Unfair trade practices, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Prohibited practices**
Uninsured motorist coverage, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY, Liability insurance**
Vandalism, against, See **INSURANCE — CASUALTY**, generally
Vehicle, See generally **INSURANCE — CASUALTY**
Vending machines, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS, Licenses — agents and solicitors**
Vessels, against loss or damage, See **INSURANCE — MARINE**, generally
Violations of Montana Insurance Code
  administrative penalties, 33-1-104, 33-1-313
  false applications, claims, and proofs of loss, 33-18-401
  investigation, 33-1-303, 33-1-311
  penalties, 33-1-104, 33-1-317
  premium finance companies, failure to have license, 33-14-201
  rating or advisory organizations, 33-16-111, 33-16-114, 33-16-211
  rules, penalty, 33-1-313
  surplus line agents, by, 33-2-308
  witnesses — failure to appear and testify, produce evidence, or false information, 33-1-315
Warehouse receipts, against loss or damage to, See **SURETYSHIP AND SURETIES**, generally
War risks, against loss or damage from, See **INSURANCE — MARINE**, generally
Wet marine, See **INSURANCE — MARINE**
Wharves and docks, against loss or damage to, See **INSURANCE — MARINE**, generally
Workers' compensation, See also **WORKERS' COMPENSATION**; See also generally **INSURANCE — CASUALTY**
  claims, insolvent insurers, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY, Claims**
  classification and rating committee
    composition, term, and funding, 33-16-1011
    functions and powers, 33-16-1012
  disability insurance, nonapplicability of provisions, 33-22-101
  practitioners, insured's freedom of choice in selection, 33-22-111
  rates
    applicability of provisions, 33-16-1002
    considerations, 33-16-1004
    methods, 33-16-1004
    policy and purpose of provisions, 33-16-1001
    reciprocal insurers excluded when, 33-16-1003
    standards, 33-16-1004

INSURANCE (Continued)

Workers' compensation (Continued)
  rating organizations
    membership required, 33-16-1005
    policy and purpose of provisions, 33-16-1001
    reciprocal insurers excluded when, 33-16-1003
Wrongful conversion, against, See **INSURANCE — CASUALTY**, generally

INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS

Adjusters, See also **Administrators**
  catastrophe adjustments, 33-17-301
  defined, 33-17-102
  farm mutual insurers, See **INSURERS — FARM MUTUAL**
  fraudulent practices, 33-17-1001
  licenses, 33-17-301, See also **License suspension, revocation, or refusal**
  misappropriation of funds, 33-17-1001
  motor vehicles, transfer of ownership by, 61-3-205
Administrators, See also **Adjusters**
  advertising, approval, 33-17-612
  availability of, notice to insureds, 33-17-618
  bond requirements, 33-17-605
  certificate of registration
    application, 33-17-603
    failure to have, 33-17-603
    fees, 33-17-603
    renewal, 33-17-603
    required, 33-17-603
    suspension or revocation, 33-17-603
    waiver when, 33-17-604
  claims
    adjustment and settlement, 33-17-617
    payment, 33-17-615
  confidentiality of records, 33-17-611
  defined, 33-17-601
  documents, delivery, 33-17-616
  fiduciary account, establishment, 33-17-613
  fines, 33-17-603
  insureds
    documents, delivery to, 33-17-616
    notice to, when, 33-17-618
  payments
    claims, 33-17-615
    treatment, 33-17-614
  premiums and charges, collection, 33-17-613
  records, 33-17-602
    confidentiality when, 33-17-611
    fiduciary account, for, 33-17-613
    maintenance, 33-17-611
  written agreement required, 33-17-602
Advisory board contracts or agency company stock as inducements to insurance, prohibited, 33-18-211
Agents generally, See also **Nonresident agents**; **Resident agents**
  advances, 33-2-502
  applications for insurance, false — prohibited, 33-18-401
  appointment
    continuation, 33-17-231
    fee, 33-2-708, 33-17-211
    filing, 33-17-231
    forms, 33-17-201
    required, 33-17-202, 33-17-203
    termination, 33-17-218, 33-17-231
      confidentiality of notice, 33-17-231
      rights following, 33-17-232

INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS (Continued)

- **Agents generally** (Continued)
  - authority suspended when, 33-2-120
  - casualty insurance, applicability of consultant provisions, 33-17-502
  - claims or proofs of loss, false, 33-18-401
  - commissions, sharing, 33-17-1103
  - consumer loan businesses, requirement of particular agent prohibited, 32-5-306
  - corporations licensed as, See **Licenses — agents and solicitors**
  - credit extended to policyholders, 33-18-213
  - death, effect on license, 33-17-216, 33-17-217
  - defined, 33-17-102, 33-19-104
    - exceptions and exemptions, 33-17-103
  - disability, effect on license, 33-17-216, 33-17-217
  - disability insurance
    - excess or rejected business, placement, 33-17-1104
    - licensing qualifications, See **Licenses — agents and solicitors**
  - domestic mutual insurers, 33-3-206
  - examination of, See **INSURANCE, COMMISSIONER OF, Examinations by**
  - examinations, See **Licenses — agents and solicitors**
  - exchange of business, 33-17-1103
  - false applications, claims, or proofs of loss, 33-18-401
  - farm mutual insurers, See **INSURERS — FARM MUTUAL**
  - fraternal benefit societies, See **FRATERNAL BENEFIT SOCIETIES**
  - fraudulent practices, 33-17-1001
  - funds
    - commingling, 33-17-1102
    - misappropriation, 33-17-1001, 33-17-1102
  - insurer's certificate of authority suspended or revoked, notification and effect, 33-2-120 33-2-121
  - licensing, See **Licenses — agents and solicitors**; **License suspension, revocation or refusal**
  - life insurance
    - defined, 33-17-102
    - excess or rejected business, placement, 33-17-1104
    - license required, See **Licenses — agents and solicitors**
  - misappropriation of funds, 33-17-1001, 33-17-1102
  - nonresident, See **Nonresident agents**
  - partnerships licensed as, See **Licenses — agents and solicitors**
  - place of business, 33-17-1101
  - policies, See also **INSURANCE, Policies**, generally
    - countersignature requirements, 33-17-1111, 33-17-1112
    - home or branch offices, issuance at, 33-17-1114
    - outside state, originating — commissions, 33-17-1113
  - policyholders, credit extended to, 33-18-213
  - premium finance companies, See **INSURANCE, Premium finance companies**
  - premiums, reporting and accounting, 33-17-1102
  - records, 33-17-1101, 33-17-1111
  - resident, See **Resident agents**
  - retaliatory fees and licenses, 33-2-709
  - solicitors, appointment, See **Solicitors**
  - surplus line, See **INSURANCE — SURPLUS LINE**
  - taxing, preemption of state, 33-2-707
  - temporary licenses, See **Licenses — agents and solicitors**
  - vending machines, 33-2-708, 33-17-221
  - violations, 33-17-1001, 33-17-1102
  - workers' compensation classification and rating committee, appointment to, 33-16-1011
- **Appeals by**, See **INSURANCE, COMMISSIONER OF, Appeals**
- **Appointment of agents and solicitors**, See **Agents generally**; **Solicitors**
- **Automobile clubs**, agents for, See **MOTOR CLUB SERVICE COMPANIES, Agents**
- **Benevolent association agents**, See **BENEVOLENT ASSOCIATIONS**
- **Casualty insurance agents**, applicability of consultant provisions, 33-17-502
- **Commissioner**, See **INSURANCE, COMMISSIONER OF**

INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS (Continued)

Consultants
  fees, receiving
    limitations on type, 33-17-512
    prohibited when, 33-17-502
    written memorandum required, 33-17-511
  fraudulent practices, 33-17-507
  incompetency, 33-17-507
  licensing, See **Licenses — consultants**; **License suspension, revocation, or refusal**
  prohibited practices, 33-17-502
  recommendations by, restrictions, 33-17-513
  violations by, 33-17-502, 33-17-507
Corporations
  adjusters' licenses, 33-17-301
  agents, as, See **Licenses — agents and solicitors**
  nonresident agents, as, 33-17-401
Deceptive practices, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Prohibited practices**
Definitions, 33-17-102, 33-17-601, 33-19-104
  exceptions and exemptions, 33-17-103
Disability insurance agents, See **Agents generally**; **Licenses — agents and solicitors**
Examination of agents, See **INSURANCE, COMMISSIONER OF**, **Examinations by**
Examinations, prior to licensing, See **Licenses — agents and solicitors**; **Licenses — consultants**
Fees, See also specific license
  appointment of agent, 33-2-708, 33-17-211, 33-17-231
  certificate of registration, 33-17-603
  examination, 33-2-708, 33-17-211, 33-17-505
  license
    adjusters, 33-2-708, 33-17-301
    applications, to accompany, 33-17-211
    consultants, 33-17-503
    corporation, 33-17-204
    nonresident agent, 33-2-708
    partnership, 33-17-204
    resident agents, 33-2-708
    resident agents' association, 33-17-205
    solicitor, 33-2-708
    temporary agent, 33-2-708, 33-17-216
    vending machines, 33-2-708, 33-17-221
  renewal, 33-2-708, 33-17-218, 33-17-231
  retaliatory, 33-2-709
Fines, 33-1-317
Fraternal benefit society agents, See **FRATERNAL BENEFIT SOCIETIES**
Health insurance, transaction, 33-22-813
Health service corporation enrollment representatives, See **HEALTH SERVICE CORPORATIONS, Enrollment representatives**
Inducements to insurance prohibited, 33-18-211
Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insurance Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Insurance Premium Finance Company Act, Title 33, chapter 14, See **INSURANCE, Premium finance companies**
Insurers
  administrators
    advertising, approval, 33-17-612
    bond requirements, 33-17-605
    documents, delivery instructions, 33-17-616
    insureds, approval of notice for, 33-17-618

INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS (Continued)

Insurers (Continued)
- administrators (Continued)
  - payments
    - claims, 33-17-615
    - treatment, 33-17-614
  - premiums and charges, collection, 33-17-613
  - records, 33-17-602
    - access to, 33-17-611
  - written agreements, 33-17-602
- agents
  - appointment, 33-17-201 — 33-17-203
    - fee, 33-2-708, 33-17-231
    - filing, 33-17-231
    - termination, 33-17-231
  - exchange of business, 33-17-1103
  - premiums, reporting and accounting, 33-17-1102
- business placed with
  - prohibited when, 33-17-201
  - resident agents' association, by, 33-17-205
- consultants, recommendations restricted, 33-17-513
- fees, 33-2-708
- nonresident agents, limitations, 33-17-403
- policies
  - home or branch office, issuance at, 33-17-1114
  - issuance requirements, 33-17-1111
- temporary licensees, appointments, 33-17-217

Investigators, private — nonapplicability of licensing provisions, 37-60-105

Lenders, favoritism prohibited, 33-18-501

License fees, See **Fees**; See also specific license

Licenses — adjusters, 33-17-301
- continuance, 33-17-218
- failure to have, 33-17-1004
- fees, 33-2-708, 33-17-301
- ineligibility for, when, 33-17-1002
- lost or destroyed, 33-17-1003
- reissuance following revocation, 33-17-1002
- return of license, 33-17-1003
- state, property of, 33-17-1003
- suspension, revocation, or refusal, See **License suspension, revocation, or refusal**

Licenses — agents and solicitors
- applications
  - contents, 33-17-211
  - fee, 33-2-708, 33-17-211
  - resident agents' association, 33-17-205
  - temporary license, 33-17-216
- appointment required, 33-17-202, 33-17-203
- contents, 33-17-214
- continuance, 33-17-218, 33-17-221
- corporations
  - applications, 33-17-211
  - contents, 33-17-214
  - fee, 33-17-204
  - requisites, 33-17-204
- disability insurance agents, 33-17-203
- display, 33-17-1101
- domestic mutual agents, 33-3-206
- examinations
  - conduct, 33-17-213
  - contents, 33-17-212
  - exemptions from requirements, 33-17-212, 33-17-216

INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS (Continued)

Licenses — agents and solicitors (Continued)
  examinations (Continued)
    fee, 33-2-708, 33-17-211
    required, 33-17-202, 33-17-203, 33-17-212
  expiration, 33-17-218, 33-17-221
  failure to have, 33-17-1004
  fees
    applications, to accompany, 33-2-708, 33-17-211
    corporations, 33-17-204
    examinations, 33-2-708, 33-17-211
    partnerships, 33-17-204
    renewal, 33-2-708, 33-17-218, 33-17-231
    resident agents' association, 33-17-205
    temporary license, 33-2-708, 33-17-216
    vending machines, 33-2-708, 33-17-221
  forms, 33-17-201
  ineligibility for, when, 33-17-1002
  issuance, 33-17-214
  life insurance agents, 33-17-201, 33-17-203
  lost, stolen, or destroyed, 33-17-1003
  partnerships
    applications, 33-17-211
    contents, 33-17-214
    fee, 33-17-204
    requisites, 33-17-204
  qualifications
    life or disability insurance agents, 33-17-203
    residents, 33-17-202
  reciprocity, when, 33-17-203
  reissuance following revocation, 33-17-1002
  renewal and fee, 33-2-708, 33-17-218, 33-17-231
  required, 33-17-201
  resident agents' association, 33-17-205
    applications, 33-17-211
    fee, 33-17-205
  return of license, 33-17-1003
  revocation, See **License suspension, revocation, or refusal**
  solicitors
    contents, 33-17-214
    limitations, 33-17-206
  state, property of, 33-17-1003
  surplus line agents, See **INSURANCE — SURPLUS LINE, Agents**
  suspension, See **License suspension, revocation, or refusal**
  temporary agent license, 33-17-216
    domestic mutual agents, 33-3-206
    fee, 33-2-708
    limitations and rights, 33-17-217
  termination, 33-17-218
  vending machines, 33-2-708, 33-17-221

Licenses — consultants
  application, 33-17-503
  citation of Montana insurance consultant licensure act, 33-17-501
  examination, 33-17-505
  expiration, 33-17-503
  failure to have, 33-17-502
  fees, 33-17-503, 33-17-505
  issuance
    limitations, 33-17-504
    refusal, 33-17-506
  qualifications, 33-17-505
  short title, 33-17-501

INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS (Continued)

Licenses — consultants (Continued)
  suspension, revocation, or refusal, See **License suspension revocation, or refusal**
  violations, effect, 33-17-507
Licenses — nonresident agents
  allowed when, 33-17-401
  fees, 33-2-708
  reciprocity, 33-17-401
  requirements, 33-17-403
License suspension, revocation, or refusal
  appeals from, 33-1-711
  causes for, 33-17-1001
  consultants, grounds for revocation, 33-17-507
  domestic mutual agents, 33-3-206
  hearings, 33-17-205, 33-17-507, 33-17-1001
  information and privacy protection violations, for, 33-19-405
  liquidation of insurer, notice requirements — noncompliance, 33-2-1347
  premiums owed, violation of recovery provision, 33-2-1362
  procedure following, 33-17-1002
  resident agents' association, 33-17-205
  return of license, 33-17-1003
  vending machines, 33-17-221
Life insurance agents, See **Agents generally**
Liquidation of insurer, notice requirements, 33-2-1346, 33-2-1347
Montana Insurance Consultant Licensure Act, Title 33, chapter 17, part 5, See **Licenses — consultants**
Motor club service companies, agents for, See **MOTOR CLUB SERVICE COMPANIES, Agents**
Motor vehicle liability insurance, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY, Insurance carriers; Liability insurance**
Nonresident agents, See also **Agents generally; Resident agents**
  certification, 33-17-403
  examination requirements, exemption, 33-17-212
  insurance code, subject to, 33-17-406
  license, See **Licenses — nonresident agents**
  limitations, 33-17-403
  policies, countersignature, 33-17-404, 33-17-1111, See also **INSURANCE, Policies**, generally
  reciprocity when, 33-17-401
  records, 33-17-1111
  service of process, 33-17-405
  solicitation of business, right to — when, 33-17-402
Partnerships as agents, See **Licenses — agents and solicitors; Licenses — nonresident agents**, generally
Penalties, 33-2-1347
Premium Finance Company Act, Title 33, chapter 14, See **INSURANCE, Premium finance companies**
Private investigators, nonapplicability of licensing provisions, 37-60-105
Prohibited practices, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Prohibited practices**
Reciprocity in licensing when, 33-17-203, 33-17-301, 33-17-401, 33-17-402
Resident agents, See also **Agents generally; Nonresident agents**
  association
    examination requirements, exemption, 33-17-212
    licensing, See **Licenses — agents and solicitors**
  licensing qualifications, See **Licenses — agents and solicitors**
  nonresident agents, policies countersigned by resident, 33-17-404, 33-17-1111
  policies, See also **INSURANCE, Policies**, generally
    home or branch offices, issuance at, 33-17-1114
    issuance requirements, 33-17-1111
    outside state, originating — commissions, 33-17-1113
  records, 33-17-206, 33-17-1111

INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS (Continued)

Resident agents (Continued)
    solicitors
        appointment, 33-17-202, 33-17-206
        license, custody, 33-17-206
        responsibilities regarding, 33-17-206
    surplus line agents, licensing as, See **INSURANCE — SURPLUS LINE, Agents**
    vending machine licenses, 33-17-221
Scope of provisions, 33-17-101
Solicitors
    appointment
        license application, to accompany, 33-17-211
        required, 33-17-202, 33-17-206
        termination, 33-17-206
    authority, limitations, 33-17-206
    commissions, sharing, 33-17-1103
    consumer loan businesses, requirement of particular agent prohibited, 32-5-306
    defined, 33-17-102
        exceptions and exemptions, 33-17-103
    examinations, See **Licenses — agents and solicitors**
    fraudulent practices, 33-17-1001
    funds
        commingling, 33-17-1102
        misappropriation, 33-17-1001, 33-17-1102
    licensing, See **Licenses — agents and solicitors**; **License suspension, revocation, or refusal**
    misappropriation of funds, 33-17-1001, 33-17-1102
    office, 33-17-206
    premiums, reporting and accounting, 33-17-1102
    records, 33-17-206
    violations, 33-17-1102
Surplus line agents, See **INSURANCE — SURPLUS LINE**
Temporary agent licenses, See **Licenses — agents and solicitors**
Unfair trade practices, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Prohibited practices**
Vending machines, licensing, See **Licenses — agents and solicitors**
Violations
    adjusters, failure to have license, 33-17-1004
    agents and solicitors
        license, failure to have, 33-17-1004
        misappropriation of funds, 33-17-1102
    consultants, failure to have license, 33-17-502
    false applications, claims, or proofs of loss, 33-18-401
    licenses, misuse, 33-17-202

INSURANCE — CASUALTY

See also generally **INSURANCE**; **INSURANCE — DISABILITY**; **INSURANCE — MARINE**

Actions
    existence of insurance not to be made evident, 33-23-102
    unfounded, not to be ground for insurance cancellation or premium rate increases, 33-23-301
Agents, 33-17-502, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Air carriers, requirements, 67-3-401 — 67-3-405, 67-3-426
Coal mining permit, liability insurance requirement, 82-4-222
Commissioner, See **INSURANCE, COMMISSIONER OF**
Credit unions, requirements, 32-3-201, 32-3-610
Definitions, 33-1-206, 33-23-311
Discrimination prohibited, 33-18-210
Dividends, discrimination prohibited, 33-18-210

INSURANCE — CASUALTY (Continued)

Elevators, inspection, 50-60-701, 50-60-702
Evidence, admissability in, Title 26, chapter 10, M.R.Ev., Rule 411
Existence of insurance not to be made evident, 33-23-102
Farm mutual insurers, See **INSURERS — FARM MUTUAL**
Fires, information to state agencies, See **FIRES AND FIRE PROTECTION**
Guaranty association, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY**
Home insurance, notice requirements for cancellation or nonrenewal, 33-23-401
Horseracing, public liability insurance required for meet, 23-4-205
Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insurers
  farm mutual, See **INSURERS — FARM MUTUAL**
  home insurance, notice requirements for cancellation or nonrenewal, 33-23-401
  motor vehicle liability, for, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY, Insurance carriers**
  motor vehicles, transfer of ownership by, 61-3-205
  professional liability
    cancellation of policy
      notice requirements, 33-23-302
      prohibited when, 33-23-301
    definitions, 33-9-101
    foreign or alien, admission, 33-9-105
    incorporation, 33-9-103
    information required from, 33-23-311
    members, 33-9-102
    premium rates, increase prohibited when, 33-23-301
      notice requirements, 33-23-302
    qualifications, initial, 33-9-104
    regulation, 33-9-103
Lenders, restrictions, 33-18-501
Medical liability, See **Professional liability**
Mobile homes, See **Homes**
Motor vehicle liability, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY, Liability insurance**
Preferred rates prohibited when, 33-18-207
Premiums — abatement, rebates, and reduction prohibited, 33-18-210
Product liability, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Product liability insurers**
Professional liability
  cancellation of policy
    notice requirements, 33-23-302
    prohibited when, 33-23-301
  claims
    medical examiners, board of — reporting to, 37-3-402
    settlement or court decision resolving, reporting, 37-3-402
    unfounded, 33-23-301
  insurers, See **Insurers**
  physicians' assistants, requirement, 37-20-102
  premium rates, increase prohibited when, 33-23-301
    notice requirements, 33-23-302
Rating or advisory organizations, agreements for apportionment, 33-16-305
Rebates prohibited, 33-18-210
Renewal refused when, 33-18-102

INSURANCE CODE, Title 33

INSURANCE, COMMISSIONER OF

Accountants employed by, 33-2-1115, 33-2-1345

INSURANCE, COMMISSIONER OF (Continued)

- **Actions**
  - appeals from, See **Appeals**
  - examinations, recovery of expenses and charges, 33-1-413
  - fraternal benefit societies, violation of standards of conduct, 33-7-115
  - generally, 33-1-412
  - hearings, from, 33-1-706
  - insolvent insurers, collection of unpaid premiums due, 33-2-1362
  - judicial review, 33-10-109, 33-10-228, 33-21-112, 33-21-113, 33-21-205, 33-30-106
  - liquidation and rehabilitation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  - premium tax and penalty, recovery, 33-2-312
    - independently procured coverages, 33-2-706
    - surplus lines, 33-2-312
  - prohibited practices, to enjoin and restrain, 33-18-1003
  - service of process, See **Service of process**
  - stayed, when, 33-1-702
- **Actuaries**
  - employment
    - dual contracts, 33-1-306
    - generally, 33-1-303
  - examination of insurers, for, 33-2-1115
  - fraternal benefit societies, verification of valuations for, 33-7-405
  - liquidation, assistance, 33-2-1345
  - reserve liabilities law, valuations, 33-2-521
- **Adjusters**, licensing, 33-17-301
  - lost or destroyed, 33-17-1003
  - return of license, 33-17-1003
  - revocation, suspension, or refusal, 33-17-1001, 33-17-1002
- **Administrators**
  - certificates of registration
    - issuance, 33-17-603
    - revocation or suspension, 33-17-603
    - waiver when, 33-17-604
  - records, access and confidentiality, 33-17-611
- **Advisory organizations**, See **Rating or advisory organizations**
- **Agents**
  - appointment
    - filing, 33-17-231
    - forms, 33-17-201
    - termination, procedure upon, 33-17-231
  - change of address, notification, 33-17-1101
  - corporations or partnerships, as, 33-17-204
  - domestic stock and mutual, temporary licenses, 33-3-206
  - examinations, 33-17-212, 33-17-213, See also **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**, **Licenses — agents and solicitors**
  - licenses
    - applications, 33-17-211, 33-17-216
    - contents, 33-17-214
    - corporations, 33-17-204
    - disability insurance agents, qualifications, 33-17-203
    - domestic mutual agents, 33-3-206
    - examinations, 33-17-212, 33-17-213
    - forms, 33-17-201
    - issuance, 33-17-214
    - life insurance agents, qualifications, 33-17-203
    - lost, destroyed, or stolen, 33-17-1003
    - partnerships, 33-17-204
    - qualifications, 33-17-202, 33-17-203
    - reciprocity, 33-17-203
    - resident agents' association, revocation, 33-17-205
    - return of license, 33-17-1003

INSURANCE, COMMISSIONER OF (Continued)

Agents (Continued)
  licenses (Continued)
    revocation, refusal, or suspension, 33-3-206, 33-17-1001
      hearings, 33-2-1347, 33-17-205, 33-17-1001
      procedure following, 33-17-1002
    surplus line agents, revocation or refusal, 33-17-1001
    temporary
      issuance, 33-3-206, 33-17-216
      limitations and rights, 33-17-217
    vending machines, 33-17-221
  nonresident agents
    license allowed when, 33-17-401
    reciprocal arrangements, 33-17-401, 33-17-402
    service of process, 33-17-405
  resident agents' association, 33-17-205
  surplus line, See **Surplus line insurance**
Alien insurers
  professional liability insurers, admission as, 33-9-105
  trusteed assets
    bank or trust company, approval, 33-2-202
    examination, 33-2-212
    trust agreement
      amendment, filing and approval, 33-2-207, 33-2-208
      approval, 33-2-205, 33-2-208
    trustees
      statements of, 33-2-211
      substitution, 33-2-214
    withdrawal, authorization or approval when, 33-2-213
Ancillary proceedings, institution, 33-2-1383
Ancillary receiver, petition for appointment, 33-2-1382
Annual statements, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
  benevolent associations, certification, 33-6-304
  farm mutual insurers, 33-4-313
  filing, form, and contents, 33-2-701
  fraternal benefit societies, 33-7-404, 33-7-406
  health service corporations, 33-30-107, 33-30-202
  reciprocal insurers, 33-5-413
Appeals
  fines, from orders imposing, 33-1-317
  generally, procedures, 33-1-711
  guaranty association member insurers, by, 33-10-106, 33-10-228
  holding company systems, from actions regarding, 33-2-1123
  rating or advisory organizations, from orders concerning, 33-16-113
  unfair practices, from intervenors in actions concerning, 33-18-1003, 33-18-1004
Appointment of personnel, 33-1-303
Appraisers employed when, 33-1-403, 33-2-534, 33-2-607, 33-2-1345
Assigned risk plans, approval, 61-6-144
Attorneys at law
  employment, 33-1-306, 33-2-1115, 33-2-1333, 33-2-1345
  service of process, commissioner appointed for, See **Service of process**
Authority, delegation, 33-1-304
Automobile clubs, duties, See **MOTOR CLUB SERVICE COMPANIES**
Benevolent associations
  amendments, filing, 33-6-104
  annual statement, certification, 33-6-304
  assessment notice, copy, 33-6-303
  license fee, payment to, 33-6-401
  officers
    agents, as — jurisdiction, 33-6-403
    bonds, filing, 33-6-201
Blanket disability insurance, See **Disability insurance**

INSURANCE, COMMISSIONER OF (Continued)

Bonds, additional — required when, 33-2-1311, See also **SURETY BONDS, Official bonds**
Bulk reinsurance, See **Reinsurance**
Casualty insurance, See **Motor vehicle liability insurance**; **Professional liability insurers**
Cease and desist orders, when, 33-18-1004, 33-18-1005, 33-30-112
Certificates of authority
  amendment, 33-2-117
  applications, filing, 33-2-115, 33-5-201
  expiration notices, 33-2-117, 33-2-121
  farm mutual insurers, See **Farm mutual insurers**
  fee, 33-2-708
  issuance, 33-2-116, 33-5-502, 33-9-104
  professional liability insurers, 33-9-104
  reciprocal insurers, See **Reciprocal insurers**
  refusal, 33-2-116, 33-5-502
  reinstatement, 33-2-117
  returned when, 33-2-116
  revocation or suspension, 33-2-118, 33-2-119, 33-2-1122, 33-2-1310
    alien insurers, 33-2-211
    annual statements, for failure to file, 33-2-701
    credit life and disability insurers, 33-21-113
    deposit deficiency, for, 33-2-611
    domestic stock and mutual insurers, 33-3-424, 33-3-502
    duration of suspension, 33-2-121
    farm mutual insurers, 33-4-314, 33-4-408, 33-4-505
    guaranty association member insurers, 33-10-109, 33-10-228
    holding company system violations, for, 33-2-1122
    investments, failure to dispose of in allotted time, 33-2-843
    notice, 33-2-120
    premium tax, for nonpayment, 33-2-705
    rating or advisory organization insurers, 33-16-111, 33-16-112
    reciprocal insurers, when, 33-5-409, 33-5-502
    records, for destruction of, 33-1-411
  seal requirements, 33-1-302
Certification of records, documents, or insurer's authority, 33-1-312
Chief clerk for department, appointment, 33-1-303
Chief deputy, See **Deputies**
Claims investigation, pretext interviews allowed when, 33-19-201
Companies generally, duties, See **Insurers generally**; See also specific insurer
Compensation
  personal staff, See **Employees**
  prohibited when, 33-1-305
Complaints filed with, 33-16-204, 33-18-501
Confidentiality
  administrator's records, 33-17-611
  delinquency proceeding records — when, 33-2-1323
  holding company system examinations or investigations when, 33-2-1116
  notices when, 33-16-205
Conflicts of interest, 33-1-305
Conservation order, petition, 33-2-1381
Conservator
  appointment as, 33-10-215
    petition for, 33-2-1379
  deputy to act for, 33-10-221
Consultants
  examinations, 33-17-505
  licenses
    applications, 33-17-503
    competency, determination, 33-17-505
    examination, 33-17-505

INSURANCE, COMMISSIONER OF (Continued)

Consultants (Continued)
  licenses (Continued)
    issuance
      limitations, 33-17-504
      refusal when, 33-17-506
    revocation or suspension, 33-17-507, 33-17-1001, 33-17-1002
Contracts for personnel, 33-1-303, 33-1-306
Copies of documents on file, fees, 33-2-708
Corporations as agents, registration, 33-17-204
Credit life and disability insurance
  consumer open-end loans, determination of rates, 32-5-504
  insurers
    certificate of authority or license, suspension or revocation when, 33-21-113
    forms, filing, 33-21-205
    hearings, 33-21-111, 33-21-205
    orders for compliance, 33-21-111
      judicial review, 33-21-112
    rates, filing, 33-21-205, 33-21-206
    refunds, 33-21-206
    violations, 33-21-111
  loans, open-end consumer — determination of rates, 32-5-504
  rules for, 33-21-111
Defined, 33-1-202, 33-2-1303
Delinquency proceedings
  bonds, additional when, 33-2-1311
  commencement, 33-2-1305, 33-3-401, 33-3-432
  confidentiality when, 33-2-1323
  cooperation of officials, 33-2-1310
  obstruction or interference prohibited, 33-2-1310
  seizure order, petition for, 33-2-1322
Departmental control and supervision by, 2-15-1902, 33-1-301
Deputies, 33-1-303
  authority delegated to, 33-1-304
  bonds, additional — required when, 33-2-1311
  chief, appointment, 33-1-303
  compensation prohibited when, 33-1-305
  conflicts of interest, 33-1-305
  liquidation of insurers, for, 33-2-1345
  rehabilitation of insurers, for, 33-2-1333
Designation, 2-15-1903
Development credit corporations, reports from, 32-4-306
Disability insurance
  agents, qualifications, 33-17-203
  blanket disability policies
    eligibility of risks, 33-22-601
    provisions favorable to policyholders, 33-22-602
  captions or subcaptions on policies, approval, 33-22-202, 33-22-221
  group disability policies, eligibility of group, 33-22-501
  joint underwriting associations
    annual report, 33-22-815
    policy forms — approval, disapproval, or procedures, 33-22-812
  medicare supplement, See **Medicare supplement insurance policies**
  omission of provisions, approval, 33-22-202
  optional provisions, approval, 33-22-221
  "other valid coverage", approval of form, 33-22-225, 33-22-226
  rates, filing, 33-22-201, 33-22-812
  reserves, 33-2-514
  risk classifications, filing, 33-22-201
  substitute provisions, approval, 33-22-202
  "valid loss of time coverage", approval of form, 33-22-227
Dissolution order, petition for, 33-2-1344

INSURANCE, COMMISSIONER OF (Continued)

Domestic stock and mutual insurers
  - agents, temporary licenses, 33-3-206
  - articles of incorporation
    - filing, approval, or disapproval, 33-3-202
    - amendments — filing, approval, or disapproval, 33-3-203
  - assessments, unpaid — approval of lien for, 33-3-412
  - assets, removal — approval for, 33-3-401
  - bonds, filing, 33-3-205, 33-3-307
  - bylaws, filing, 33-3-301
  - capital stock, determination of stockholder's proportionate interest, 33-3-433
  - certificate of authority, revocation or suspension when, 33-3-424, 33-3-502
  - contingent liability, order for extinguishment, 33-3-414
  - contracts, filing, 33-3-309
  - conversions
    - mutual insurers, to stock insurers, 33-3-216
    - stock insurers, mutualization, 33-3-215
  - deficiencies, 33-3-432
  - delinquency proceedings instituted when, 33-3-401, 33-3-432
  - deposits returned when, 33-3-208
  - equity securities
    - rules for, 33-3-441, 33-3-442, 33-3-444, 33-3-445, 33-3-447
    - statements of ownership, filing, 33-3-441
  - hearings, 33-3-215 — 33-3-218, 33-3-502
  - loans, approval, 33-3-431
  - merger or consolidation
    - mutual insurers, 33-3-218
    - stock insurers, 33-3-217
  - officials, exceptions to prohibited practices, 33-3-308
  - policies
    - classification and formula, approval, 33-3-436
    - nonassessable, revocation of authority to issue, 33-3-415
  - premiums, return of payments, 33-3-208
  - quorum less than majority for meetings, approval, 33-3-301
  - records, removal — approval for, 33-3-401
  - trust agreements, filing, 33-3-207

Duties generally, 33-1-311, 33-2-1302

Employees
  - authority delegated to, 33-1-304
  - compensation, 33-1-303, 33-1-305
  - conflicts of interest, 33-1-305
  - employment or termination, 33-1-303
  - liquidation of insurers, for, 33-2-1345
  - official acts, responsibility, 33-1-304
  - rehabilitation of insurers, for, 33-2-1333

Enforcement
  - credit life and disability provisions, 33-21-111
  - out-of-state examinations, 33-1-315
  - power generally, 33-1-311

Examinations by, See also **Investigations by**
  - accounts, completion or correction, 33-1-403
  - adjusters, of, 33-1-402
  - administrator's records, 33-17-611
  - affiliates of insurer, when, 33-2-1115
  - agents, of, 33-1-402, 33-2-313, 33-17-212, 33-17-213
  - alien insurers, trusteed assets, 33-2-212
  - appraisal of property, 33-1-403
  - conduct, 33-1-311, 33-1-403
  - confidentiality, when, 33-1-412, 33-2-1116
  - consultants, 33-17-505
  - expenses, 33-1-413
  - farm mutual insurers, 33-4-315, 33-4-316

INSURANCE, COMMISSIONER OF (Continued)

Examinations by (Continued)
  fraternal benefit societies
    domestic societies, 33-7-111
    foreign and alien societies, 33-7-112
    generally, 33-7-104, 33-7-205
    reports, publication prohibited when, 33-7-113
  guaranty associations, 33-10-108, 33-10-112, 33-10-209, 33-10-217, 33-10-218
  health service corporations, 33-30-105
    enrollment representatives, 33-30-312
  hearings, 33-1-412
  hindrance, 33-1-411, 33-2-119
  holding company systems, 33-2-1115, 33-2-1116
  information and privacy protection violations, 33-19-401
  insurers, of, 33-1-401, 33-1-403, 33-2-1115, 33-10-108, 33-10-218, 33-18-1002
  joint underwriting associations, 33-22-804
  lenders, complaints concerning, 33-18-501
  lien, expenses as — when, 33-1-413
  managers, of, 33-1-402
  motor vehicle liability insurers, notices of cancellation or nonrenewal, 33-23-216
  out-of-state, 33-1-315
  penalty for hindrance, 33-1-411
  premium finance company records, 33-14-204
  prohibited practices, to determine, 33-18-501, 33-18-1002
  promoters, of, 33-1-402
  publication of reports, 33-1-412
  rating or advisory organizations, 33-16-106, 33-16-205, 33-16-403
    license applicants, 33-16-403
    records, 33-16-105
  records, 33-1-312
    availability, 33-1-403, 33-2-119
    destruction, penalty, 33-1-411
    false entries, 33-18-205
  refusal, effect, 33-2-119, 33-2-1331
  reports, 33-1-412
    confidentiality when, 33-1-412, 33-2-1116
    copy required when, 33-2-115
    filing fee, 33-2-708
    publication prohibited when, 33-7-113
  solicitors, of, 33-1-402
  trusteed assets, 33-2-212
  unclaimed property, identification, 70-9-314
  unfair practices, to determine, 33-18-501, 33-18-1002
  witnesses, See **Witnesses**

Examiners
  appointment or employment, 33-1-303
  authority delegated to, 33-1-304
  compensation prohibited when, 33-1-305, 33-1-413
  conflicts of interest, 33-1-305
  expenses, 33-1-413
  farm mutual insurers, examination, 33-4-315, 33-4-316
  fraternal benefit societies, See **FRATERNAL BENEFIT SOCIETIES, Examinations**
  health service corporations, examination, 33-30-105
  witnesses, authority, 33-1-315, See also **Witnesses**

Farm mutual insurers
  annual statements, filing, 33-4-313
  application forms, filing, 33-4-509
  articles of incorporation
    amendments, certification, 33-4-205
    approval, 33-4-203
    filing fee, 33-4-202
    proposed, filing, 33-4-202

INSURANCE, COMMISSIONER OF (Continued)

Farm mutual insurers (Continued)
  certificates of authority
    fees, 33-4-505
    issuance, 33-4-505
    suspension or revocation when, 33-4-314, 33-4-408, 33-4-505
  educational purposes, report of expenditures for, 33-4-313
  examinations and fee, 33-4-315
  fees, deposit, 33-4-202, 33-4-505
  forms, filing, 33-4-509
  incorporation, declaration — filing, 33-4-202
  investigations and fee, 33-4-315
  investments, recommendations, 33-4-403
  name, rejected when, 33-4-203
  policy forms, filing, 33-4-509
  records, inspection, 33-4-316
  surplus, deficiency — time for curing, 33-4-408
Fees paid to, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
  certificate of authority applications, applicable fees, 33-2-115
  consultants, examinations, 33-17-505
  enumeration, 33-2-708
  farm mutual insurers
    certificates of authority, issuance or renewal, 33-4-505
    filing fees, 33-4-202
  health service corporations, 33-30-204
  retaliatory, 33-2-709
  service of process, 33-1-603, 33-1-613
  state, preemption, 33-2-707
Field investigators, appointment, 33-1-303
Filings
  advisory organizations, 33-16-308
  alien insurers, trust agreement amendments, 33-2-207, 33-2-208
  annual statements, 33-2-701, 33-4-313
  benevolent associations
    amendments, 33-6-104
    officers' bonds, 33-6-201
  certificate of authority applications, 33-2-115, 33-5-201
  credit life and disability forms, rates, and refund formulas, 33-21-205, 33-21-206
  disability insurance
    rates, 33-22-201, 33-22-812
    risk classifications, 33-22-201
  domestic stock and mutual insurers
    articles of incorporation, 33-3-202
      amendments, 33-3-203
    bonds, 33-3-205, 33-3-307
    bylaws, 33-3-301
    contracts, 33-3-309
    equity securities, statements of ownership, 33-3-441
    merger or consolidation plans and agreements, 33-3-218
    trust agreements, 33-3-207
  farm mutual insurers
    annual statements, 33-4-313
    application forms, 33-4-509
    articles of incorporation, 33-4-202
    forms, 33-4-509
    incorporation, declaration, 33-4-202
    policy forms, 33-4-509
  fees, 33-2-708
  forms generally, 33-1-501
  fraternal benefit societies
    annual statements, 33-7-404, 33-7-406
    articles of incorporation, 33-7-202, 33-7-502

INSURANCE, COMMISSIONER OF (Continued)

Filings (Continued)
    fraternal benefit societies (Continued)
        benefit certificate forms, 33-7-514, 33-7-516
        bond of applicants, 33-7-202
        circulars to be issued, 33-7-202
        consolidation or merger contracts or documents, 33-7-211
        constitution and laws, 33-7-202, 33-7-502
        financial statements, 33-7-404
        rules, 33-7-202
    health service corporations
        annual reports, 33-30-202
        annual statements, 33-30-107
    holding company systems
        disclaimers, 33-2-1112
        merger or acquisition of control
            bonds, 33-2-1105
            statements, 33-2-1104
    joint underwriters or reinsurers, 33-16-307
    joint underwriting associations, 33-22-805, 33-22-812
    life insurers, election for compliance, 33-2-524
    motor vehicle liability insurance, limits, 33-23-201
    policy forms, 33-15-303
    rates and rating plans, 33-16-203, 33-21-205, 33-21-206, 33-25-102
    rebates, for, 33-18-210
    receiver's books, audits, 33-2-1378
    reciprocal insurers
        annual statements, 33-5-413
        attorney, bond, 33-5-303
        certificate of authority, application, 33-5-201
        rates, 33-5-201
    records, 33-1-312
    surplus line agents
        affidavits, 33-2-302
        surety bonds, 33-2-305
    title insurance rates, 33-25-102
    workers' compensation organizations, 33-16-1005
Fines
    guaranty associations, 33-10-109
    imposition, 33-1-317, 33-1-411, 33-10-109, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
    retaliatory, 33-2-709
Fire departments, reports from, 19-11-511
Foreign insurers, admission as professional liability insurers, 33-9-105
Forfeitures, levy, 33-10-228
Forms
    agent's or solicitor's licenses, 33-17-201
    approval generally, 33-1-501, 33-15-328
    blanket disability, filing, 33-22-602
    credit life and disability insurers, 33-21-205
    disability insurance, approval
        extended health insurance, 33-22-812
        "other valid coverage", 33-22-225, 33-22-226
        "valid loss of time coverage", 33-22-227
    disapproval generally, 33-1-502
    farm mutual insurers, filing, 33-4-509
    fees, filing, 33-2-708
    fraternal benefit societies, benefit certificate forms — filing, 33-7-514, 33-7-516
    guaranty association certificates of contribution, 33-10-227, 33-10-230
    health service corporations, approval or disapproval, 33-30-301
    indemnity bonds, for, 61-6-301
    language simplification, See **Policies**

INSURANCE, COMMISSIONER OF (Continued)

Forms (Continued)
  policies
    filing, 33-15-303
    waiver of provisions within, when, 33-15-301
Fraternal benefit societies
  annual statements, 33-7-404
    failure to file, 33-7-406
  applicants for membership, submission of list, 33-7-204
  articles of incorporation
    amendments, approval, 33-7-302
    filing, 33-7-202, 33-7-502
  benefit certificate forms, filing, 33-7-514, 33-7-516
  bond of applicants, filing and approval, 33-7-202
  certificates
    compliance, of — issuance, 33-7-205
    consolidation or merger, approval, 33-7-211
    preliminary, granting, 33-7-203
  circulars to be issued, filing, 33-7-202
  consolidation or merger contracts or documents, filing, 33-7-211
  constitution and laws
    amendments, approval, 33-7-302
    filing, 33-7-202, 33-7-502
  conversion into mutual life insurer, approval of plan, 33-7-213
  decisions, review, 33-7-116
  examinations
    domestic societies, 33-7-111
    foreign and alien societies, 33-7-112
    generally, 33-7-104, 33-7-205
    reports, publication prohibited when, 33-7-113
  exemptions, determination, 33-7-104
  financial statements
    filing, 33-7-404
    publication prohibited when, 33-7-113
  hearings, 33-7-115
  insurance contract regulations, 33-7-516
  licenses
    fees, 33-7-501
    issuance and renewal, 33-7-501, 33-7-502
    reinstatement, 33-7-115
    suspension, revocation, or refusal, 33-7-503
  reinsurance, approval, 33-7-517
  reserve valuations and additional reserves, 33-7-405
  review of decisions, 33-7-116
  rules, filing, 33-7-202
  service of process, attorney for, 33-7-114, 33-7-502
  violations, actions regarding, 33-7-115
Group disability insurance, See **Disability insurance**
Guaranteed arrest bond certificates
  certification of sureties, 46-9-413
  undertaking of surety, filing with, 46-9-412
  withdrawal as surety, 46-9-413
Guaranty association — casualty and property
  appeals, 33-10-106
  delegation of power, approval, 33-10-106
  directors, board of — approval of selection, 33-10-104, 33-10-106
  examinations, 33-10-108, 33-10-112
  financial report, submission, 33-10-112
  fines, levy, 33-10-109
  hearings, 33-10-106, 33-10-109
  insolvencies
    notification requirements, 33-10-105, 33-10-109

INSURANCE, COMMISSIONER OF (Continued)

Guaranty association — casualty and property (Continued)
- insolvencies (Continued)
  - prevention, 33-10-108
  - reports regarding, 33-10-108
- judicial review of actions or orders, 33-10-109
- member insurers
  - appeals by, 33-10-106
  - certificate of authority, revocation or suspension, 33-10-109
  - fines, levy, 33-10-109
- plan of operation, submission and approval, 33-10-106
- rules, 33-10-106
- servicing facility, approval of designation, 33-10-105

Guaranty association — life and health
- appeals, 33-10-228
- assistance, 33-10-201, 33-10-205
- certificate of contribution, forms, 33-10-227, 33-10-230
- conservator
  - appointment as, 33-10-215
  - deputy to act for, 33-10-221
- delegation of power, approval, 33-10-216
- directors, board of — approval of selection, 33-10-204, 33-10-216
- duties generally, 33-10-215
- examinations, 33-10-209, 33-10-217, 33-10-218
- financial report, submission, 33-10-209
- forfeitures, levy, 33-10-228
- hearings, 33-10-216, 33-10-228
- impaired insurers, approval of association's procedures, 33-10-219, 33-10-220
- impairments — notification, prevention, and reports, 33-10-217, 33-10-218
- judicial review of actions or orders, 33-10-228
- liens, approval, 33-10-220
- liquidator
  - appointment as, 33-10-215
  - deputy to act for, 33-10-221
- member insurers
  - certificate of authority, suspension or revocation, 33-10-228
  - tax writeoffs, approval, 33-10-230
- moratoriums, approval, 33-10-220
- plan of operation, submission and approval, 33-10-216
- powers of association, approval, 33-10-205
- refunds, payment to and deposit, 33-10-230
- regulation by, 33-10-209
- rehabilitator
  - appointment as, 33-10-215
  - deputy to act for, 33-10-221
- rules, 33-10-216
- supervision, 33-10-203

Health service corporations
- actions or decisions, judicial review, 33-30-106
- annual report, filing, 33-30-202
- annual statement, filing, 33-30-107
- assets, approval of amount, 33-30-201
- cease and desist orders, 33-30-112
- enrollment representatives
  - appointees, requirements, 33-30-312
  - licenses, 33-30-313
- examination, 33-30-105
- fees, payment and disposition, 33-30-204
- financial information, requirements, 33-30-202
- forms, approval or disapproval, 33-30-301
- grievance procedures, 33-30-303
- hearings, 33-30-105, 33-30-301, 33-30-313
- injunction, 33-30-113

INSURANCE, COMMISSIONER OF (Continued)

Health service corporations (Continued)
  orders, 33-30-301
  ratesetting prohibited, 33-30-306
  reserves, requirements decreased or suspended, 33-30-201
  violations, notice regarding, 33-30-111
Hearings
  adjuster's license, revocation or refusal, 33-17-1001
  agents
    licenses
      revocation or refusal, 33-17-1001
      suspension, 33-2-1347
    noncompliance with notice requirements, 33-2-1347
  alien insurers' trust agreements or amendments thereto, withdrawal of approval, 33-2-208
  appeals, 33-1-711
  certificate of authority, for revocation or suspension, 33-1-411, 33-2-119
  consultant's license, revocation, 33-17-507, 33-17-1001
  credit life and disability insurers, 33-21-111, 33-21-205
  delinquency, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  disability policies or forms, withdrawal of approval, 33-22-812
  discretion, 33-1-701
  domestic stock and mutual insurers, 33-3-215 — 33-3-218, 33-3-502
  examination reports, concerning, 33-1-412
  fraternal benefit societies, violations of standards of conduct, 33-7-115
  guaranty associations, 33-10-106, 33-10-109, 33-10-216, 33-10-228
  health service corporations, 33-30-105, 33-30-112, 33-30-301, 33-30-313
  held when, 33-1-701
  holding company system mergers or acquisition of control, 33-2-1105
  information and privacy protection violations, 33-19-402
  liquidation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  motor vehicle liability insurance, on notice of cancellation or nonrenewal, 33-23-215
  mutual insurers
    conversion to stock insurer, 33-3-216
    mergers and consolidations, 33-3-218
  notice, See **Notices**, generally
  open to public, 33-1-704
  order on, 33-1-706
    appeals from, 33-1-711
  parties to, 33-1-704
  premium finance company license applicants, 33-14-202
  procedures, 33-1-704
  rating or advisory organizations
    casualty insurance, agreements, 33-16-305
    complaints regarding rates, 33-16-204
    license applications, 33-16-403
    noncompliance of rates, 33-16-206
    violations, 33-16-111
  records, 33-1-704, 33-1-711
  refused when, 33-1-701, 33-1-711
  rehabilitation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  rehearings, 33-1-705, 33-1-706, 33-1-711
  reinsurance, bulk — approval of agreements
    foreign or alien insurers, 33-2-1206
    mutual insurers, 33-2-1212
    stock insurers, 33-2-1211
  resident agent's association license, revocation, 33-17-205, 33-17-1001
  rules, for, 33-1-313
  solicitor's license, revocation or refusal, 33-17-1001
  stay of action, 33-1-702

INSURANCE, COMMISSIONER OF (Continued)

Hearings (Continued)
  stock insurers
    mergers and consolidations, 33-3-217
    mutual insurer, conversion, 33-3-216
    mutualization, 33-3-215
  surplus line agent's license, revocation or refusal, 33-17-1001
  unfair practices, undefined — determination, 33-18-1003, 33-18-1004
  witnesses, See **Witnesses**
  written demand, 33-1-701
Holding company systems
  affiliates
    consolidated registration statement, 33-2-1111
    disclaimer, filing, 33-2-1112
    examination when, 33-2-1115
  appeals, 33-2-1123
  confidentiality of information when, 33-2-1116
  control, determination of existence, 33-2-1101
  criminal proceedings, 33-2-1120
  disclaimer, filing, 33-2-1112
  dividends and other distributions, approval, 33-2-1114
  examination, 33-2-1115, 33-2-1116
  injunction when, 33-2-1118, 33-2-1119
  merger or acquisition of control
    approval, 33-2-1104, 33-2-1105
    bond, filing, 33-2-1105
    exemptions, order for, 33-2-1106
    hearings, 33-2-1105
    service of process, 33-2-1106
    statement, filing, 33-2-1104
  receivership of insurer's property when, 33-2-1121
  registration of insurer, 33-2-1111, 33-2-1116
    exemptions, 33-2-1112, 33-2-1116
    termination, 33-2-1111
  rules for, 33-2-1104, 33-2-1111, 33-2-1112, 33-2-1117
  sequestration of voting securities, 33-2-1119
  subsidiaries
    business activity determined to be reasonable, 33-2-1102
    disposal of investments, time period for, 33-2-1103
    investments in
      approval, 33-2-1103
      disallowed assets, when, 33-2-1113
Information and privacy protection enforcement
  examinations and investigations, 33-19-401
  hearings, 33-19-402
  judicial review of orders or reports, 33-19-406
  orders, 33-19-405, 33-19-406
  penalties, civil, 33-19-405
  reports, 33-19-404, 33-19-406
  service of process, 33-19-403
Injunctions, 33-2-1118, 33-2-1119, 33-30-113
Insurers generally
  alien insurers, See **Alien insurers**
  annual statements, 33-2-701
  assets, allowable — determination, 33-2-501
  bulk reinsurance, See **Reinsurance**
  cease and desist orders, 33-18-1004, 33-18-1005
  certificates of authority, See **Certificates of authority**
  credit life and disability, See **Credit life and disability insurance**
  deposits
    appraisal, 33-2-607
    assignment, 33-2-606
    deficiency, 33-2-611

INSURANCE, COMMISSIONER OF (Continued)

Insurers generally (Continued)
- deposits (Continued)
  - depositary or custodian for, 33-2-604
  - held in trust by, 33-2-111
  - loans as part of, verified statement concerning, 33-2-531
  - out-of-state, approval, 33-2-604
  - records, 33-2-605
  - release, 33-2-606, 33-2-612
  - retaliatory
    - generally, 33-2-709
    - order for, 33-2-602, 33-2-610
  - securities, nonnegotiable — transfer powers, 33-2-531
  - transfer, 33-2-606, 33-2-612
- domestic stock and mutual, See **Domestic stock and mutual insurers**
- examinations, See **Examinations by**
- farm mutual, See **Farm mutual insurers**
- fees, See **Fees**
- foreign insurers, See **Foreign insurers**
- hearings, See **Hearings**
- impaired, approval of guaranty association's procedures, 33-10-219, 33-10-220
- investigations, See **Investigations**
- investments
  - consent required when, 33-2-804, 33-2-806, 33-2-821, 33-2-822, 33-2-832, 33-2-851
  - disposal period
    - extension, granting, 33-2-841 — 33-2-843
    - subsidiaries, 33-2-1103
- license fees, payment and deposit, 33-2-708
- life, notice of compliance — filing, 33-20-206, 33-20-207, 33-20-513
- name, conflict, 33-2-107
- premium reports, 33-2-705
- premium tax, See **Premium tax**
- professional liability, See **Professional liability insurers**
- prohibited practices
  - cease and desist orders, 33-18-1004, 33-18-1005
  - examination to determine, 33-18-501, 33-18-1002
  - undefined, procedure for determining and restraining, 33-18-1003
- rates, See **Rates and rating plans**
- rebates, filings for, 33-18-210
- reciprocal, See **Reciprocal insurers**
- reinsurance, See **Reinsurance**
- reserves
  - disability insurance, 33-2-514
  - increase required when, 33-2-516
  - life insurance, standard valuation
    - compliance, election for — filing, 33-2-524
    - contracts on or after 30-20-213 operative date, 33-2-523
    - general provisions, 33-2-521
    - individual, group annuity, and pure endowment contracts, 33-2-524
    - methods of valuation, 33-2-525, 33-2-526
  - unearned premium requirements
    - marine and transportation, 33-2-513
    - property, casualty, and surety, 33-2-512
- retaliatory fees, taxes, and other obligations, 33-2-709
- sequestration of voting securities, 33-2-1119
- surplus line, See **Surplus line insurance**
- valuations
  - bonds, 33-2-532
  - life insurance, See reserves
  - property, 33-2-534
  - securities, other, 33-2-533

Insurers Supervision, Rehabilitation, and Liquidation Act, Title 33, chapter 2, part 13, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**

INSURANCE, COMMISSIONER OF (Continued)

- **Investigations by**, 33-1-311, See also **Examinations by**
  - confidentiality when, 33-2-1116
  - farm mutual insurers, 33-4-315
  - health service corporations, 33-30-303
  - records, 33-1-312
  - unclaimed property, identification, 70-9-314
  - witnesses, See **Witnesses**
- **Joint underwriters or reinsurers**, filings, 33-16-307
- **Joint underwriting associations**, See **Disability insurance**
- **Judicial review of actions or orders**, 33-10-109, 33-10-228, 33-21-112, 33-21-113, 33-21-205 33-30-106
- **Liability insurance**, See **Motor vehicle liability insurance**
- **Licenses**
  - fees, payment and deposit, 33-2-708, 33-6-401, 33-7-501
  - issuance, seal requirements, 33-1-302
- **Life insurance**
  - agents, qualifications, 33-17-203
  - credit life and disability, See **Credit life and disability insurance**
  - exclusions or restrictions, provisions favorable to policyholder, 33-20-121
  - group life provisions favorable to policyholder, 33-20-1201
  - insurers, notice of compliance filed with, 33-20-206, 33-20-207, 33-20-513
  - loans, policy — interest rate, 33-20-109
  - nonforfeiture provisions favorable to policyholder, 33-20-202, 33-20-503, 33-20-1201
  - premiums, adjusted — calculation, 33-20-205 — 33-20-207
  - reserves, See **Insurers generally**, reserves
  - values, calculation, 33-20-205 — 33-20-207
- **Liquidation**
  - agents of insurer, failure to give notice or file compliance report, 33-2-1348
  - assessments, determinations regarding, 33-2-1360
  - assets, order for, 33-2-1380
  - order, petition for, 33-2-1336, 33-2-1341, 33-2-1381
  - premiums owed, actions for recovery, 33-2-1362
  - records, disposition, 33-2-1377
  - referees, appointment when, 33-2-1360
  - reopening, petition for, 33-2-1374, 33-2-1376
- **Liquidator**
  - appointment as, 33-2-1342, 33-10-215
  - deputy to act for, 33-10-221
  - powers as, 33-2-1345
  - property of insurer, authority, 33-2-1381
  - records, possession, 33-2-1381
- **Medicare supplement insurance policies**
  - benefits, minimum standards, 33-22-905
  - coverage, outline of — format and content, 33-22-907
  - disclosure standards, 33-22-907
  - informational brochures, 33-22-907
  - loss ratio standards, 33-22-906
  - standards, 33-22-904
- **Motor club service companies**, duties, See **MOTOR CLUB SERVICE COMPANIES**
- **Motor vehicle liability insurance**
  - cancellation notices
    - compliance, ensuring, 33-23-213
    - examination or inspection, 33-23-216
    - liability, 33-23-215
  - indemnity bonds, forms for, 61-6-301
  - limits of liability, filing and approval, 33-23-201
  - nonrenewal notices, examination or inspection, 33-23-216
- **Mutual insurers**, See **Domestic stock and mutual insurers**; **Farm mutual insurers**
- **Nonresident agents**, See **Agents**
- **Notices**
  - adjuster's license, suspension or revocation, 33-17-1001, 33-17-1002

INSURANCE, COMMISSIONER OF (Continued)

Notices (Continued)
- administrators
  - certificate of registration, suspension or revocation, 33-17-603
  - insured persons, of availability to, 33-17-618
- agents
  - appointments, termination, 33-17-231
  - resident agents' association, revocation of license, 33-17-205
  - revocation or suspension, 33-17-1001, 33-17-1002
  - solicitor's appointment, termination, 33-17-206
- alien insurers and trustees, to, 33-2-208
- certificates of authority, for revocation or suspension, 33-1-411, 33-2-118, 33-2-120, 33-2-121, 33-2-1122
- confidentiality when, 33-16-205
- consultant's license, revocation, 33-17-507, 33-17-1001, 33-17-1002
- credit life and disability insurers
  - forms, noncompliance, 33-21-205
  - violations, 33-21-111
- deposit deficiencies, 33-2-611
- disability policies or forms, withdrawal of approval, 33-22-812
- domestic stock and mutual insurers
  - bylaws, disapproval, 33-3-301
  - deficiencies, 33-3-432
  - merger or consolidation of mutual insurers, 33-3-218
- forms, for extension of approval period or withdrawal of approval, 33-1-501
- general provisions, 33-1-314
- guaranty associations
  - certificate of authority of member insurer, revocation or suspension, 33-10-109, 33-10-228
  - rules, adoption, 33-10-106, 33-10-216
- health service corporations
  - enrollment representatives — license suspension, refusal, or revocation, 33-30-313
  - forms, disapproval, 33-30-301
  - violations, concerning, 33-30-111
- hearings, 33-1-313, 33-1-703, 33-1-705
- holding company systems
  - disclaimer of affiliation, disallowance, 33-2-1112
  - merger or acquisition of control, hearings, 33-2-1105
- prohibited practices, concerning, 33-18-1003, 33-18-1004
- rating or advisory organizations
  - hearings, 33-16-206, 33-16-305, 33-16-403
  - noncompliance of rates, 33-16-205
- reciprocal insurers, merger or conversion, 33-5-202
- rehearings, 33-1-705
- rules, concerning, 33-1-313, 33-21-111
- solicitors
  - appointment, termination, 33-17-206
  - license suspension or revocation, 33-17-1001, 33-17-1002
- unfair practices, undefined — hearing, 33-18-1003

Oaths, administering, 33-1-315, 33-2-1345

Official transactions, records, 33-1-312

Orders
- appeals from, See **Appeals**, generally
- cease and desist, 33-18-1004, 33-18-1005, 33-30-112
- certificate of authority
  - refusal, for, 33-2-116
  - suspension, period of, 33-2-121
- conservation, petition for, 33-2-1381
- credit life and disability insurers
  - certificate of authority, suspension or revocation, 33-21-113
  - compliance, for, 33-21-111
  - forms, withdrawal of approval, 33-21-205

INSURANCE, COMMISSIONER OF (Continued)

Orders (Continued)
- deposits
  - release, 33-2-612
  - retaliatory, for, 33-2-602, 33-2-610
- dissolution, petition for, 33-2-1344
- domestic stock and mutual insurers, extinguishment of contingent liability, 33-3-414
- examination of insurer, 33-2-1115
- fines, for imposition, 33-1-317
- forms generally, for disapproval or withdrawal of approval, 33-1-501
- general provisions, 33-1-314
- health service corporations
  - cease and desist, 33-30-112
  - forms, discontinuance, 33-30-301
- hearings
  - demand for, 33-1-701, 33-1-702
  - on or pursuant to, 33-1-701, 33-1-702, 33-1-705, 33-1-706
    - appeals from, 33-1-711
- holding company systems
  - generally, 33-2-1117
  - injunction, 33-2-1118, 33-2-1119
  - merger or acquisition, exemptions, 33-2-1106
  - registration of insurers
    - exemptions, 33-2-1112
    - information requirements, 33-2-1111
- information and privacy protection violations, penalties, 33-19-405, 33-19-406
- injunction, 33-2-1118, 33-2-1119
- investments in real estate, property, or securities — disposal, 33-2-841, 33-2-843
- judicial review, 33-10-109, 33-10-228, 33-19-406, 33-21-112, 33-21-113, 33-21-205
- liquidation
  - of assets, for, 33-2-1380
  - petition for, 33-2-1336, 33-2-1341, 33-2-1381
- rating or advisory organizations
  - appeals, 33-16-113
  - casualty insurance, discontinuance of unfair practices, 33-16-305
  - compliance, for, 33-16-111
  - noncompliance, 33-16-112, 33-16-114
  - rates or rating systems, prohibiting use, 33-16-211
  - suspension when, 33-16-113
- reciprocal insurers, assessments, 33-5-412
- rehabilitation, petition for, 33-2-1331
- retaliatory deposits, 33-2-602, 33-2-610
- seizure, petition for, 33-2-1322
- trusteed assets, suspension of right to withdraw, 33-2-213
- violation of, 33-2-119, 33-2-1331, 33-21-113

Partnerships as agents, 33-17-204

Personnel, See **Employees**

Policies
- blanket disability, 33-22-601, 33-22-602
- captions or subcaptions, approval, 33-22-202, 33-22-221
- combination, approval, 33-15-307
- domestic stock and mutual insurers
  - classification and formula, approval, 33-3-436
  - nonassessable, revocation of authority to issue, 33-3-415
- farm mutual insurers, forms, 33-4-509
- forms, filing, 33-15-303
- group disability, eligibility of group, 33-22-501
- language simplification
  - forms
    - applicability schedule, 33-15-329
    - approval, 33-15-328
  - minimum standards, certification, 33-15-325

INSURANCE, COMMISSIONER OF (Continued)

Policies (Continued)
  language simplification (Continued)
    reading test
      approval, 33-15-325
      lower score, approval, 33-15-327
  waiver of provisions when, 33-15-301
Powers generally, 33-1-311, 33-2-1302
Premium finance companies
  licensees, interrogatories, 33-14-201
  licenses
    applicants, investigation and qualification, 33-14-202
    fee, 33-14-201
    requirements, 33-14-201
    revocation or suspension, 33-14-203
  records, 33-14-204
Premium reports, 33-2-705
Premium tax, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY; TAXATION, Insurance**
  computation and collection, 33-2-705
  fire insurance, 33-2-705
  gross underwriting profit on wet marine, inland marine, and transportation insurance, 33-2-705
  independently procured coverages, 33-2-706
  surplus line insurance, 33-2-311, 33-2-312
Proceedings, records, 33-1-312, 33-1-704
Professional liability insurers
  certificate of authority issued when, 33-9-104
  foreign or alien, admission, 33-9-105
  information required from, 33-23-311
Professional licensing authorities, information submitted to, 33-23-311
Quasi-judicial capacity when, 33-1-706
Rates and rating plans
  complaints, 33-16-204
  credit life and disability insurers, filing, 33-21-205, 33-21-206
  disability insurance, filing, 33-22-201, 33-22-812
  filing, 33-5-201, 33-16-203, 33-21-205, 33-21-206, 33-22-201, 33-22-812, 33-25-102
  fixing and determining, not allowed, 33-16-101
  health service corporations, ratesetting prohibited, 33-30-306
  hearings, 33-16-204
  noncompliance, notice of, 33-16-205
  preferred, approval, 33-18-207
  reciprocal insurers, filing, 33-5-201
  rules and plans, 33-16-202
  title insurance, filing, 33-25-102
  violations, 33-16-211
Rating or advisory organizations
  advisory organizations, filings, 33-16-308
  appeals, 33-16-113
  casualty insurance, agreements for apportionment, 33-16-305
  examinations, 33-16-106, 33-16-403
  hearings, 33-16-206, 33-16-305, 33-16-403
  information, false or willfully withheld, 33-16-107
  joint underwriters or reinsurers, filings, 33-16-307
  licenses
    applicants, investigation, 33-16-403
    applications, 33-16-401
      examination, 33-16-403
    evidence prerequisites, 33-16-402
    issuance, 33-16-403
    suspension or revocation, 33-16-111, 33-16-112
  membership eligibility, approval or rules for, 33-16-404
  penalty, collection, 33-16-114

INSURANCE, COMMISSIONER OF (Continued)

Rating or advisory organizations (Continued)
  records, availability, 33-16-105
  violations, orders concerning, 33-16-211
  workers' compensation, filings, 33-16-1005
Receiver
  appointment, 33-7-115
    petition for, 33-2-1380
  books, audits, 33-2-1378
Receivership
  fraternal benefit societies, 33-7-115
  insurer's property when, 33-2-1121
Reciprocal insurers
  annual statements, filing and supplements, 33-5-413
  assessments
    approval, 33-5-406
    order for, 33-5-412
  assets, formula for subscriber's share, 33-5-411
  attorney
    bond, filing and approval, 33-5-303
    power of, approval of terms or agreements when, 33-5-301
  certificate of authority
    application and filing, 33-5-201
    revocation, suspension, or refusal when, 33-5-409, 33-5-502
  contingent liability, approval for extinguishment, 33-5-409
  contributions, approval for withdrawal or repayment, 33-5-402
  financial condition, determination, 33-5-403
  merger or conversion, approval for, 33-5-202
  rates, filing and approval, 33-5-201
Reciprocity, agents, 33-17-203, 33-17-401, 33-17-402
Records, 33-1-312, 33-1-704
  administrators, access and confidentiality, 33-17-611
  delinquency proceedings, confidentiality when, 33-2-1323
  domestic stock and mutual insurers, approval for removal, 33-3-401
  farm mutual insurers, inspection, 33-4-316
  insurers, deposits, 33-2-605
  liquidation, disposition, 33-2-1377
  liquidator, possession, 33-2-1381
  premium finance companies, 33-14-204
  rating or advisory organizations, availability, 33-16-105
  service of process, 33-1-613
Referees appointed by, 33-2-1360
Rehabilitation order, petition for, 33-2-1331
Rehabilitator
  appointment as, 33-2-1332, 33-10-215
  deputy to act for, 33-10-221
  powers and duties, 33-2-1333
Reinsurance
  bulk reinsurance agreements, approval
    foreign or alien insurers, 33-2-1206
    mutual insurers, 33-2-1212
    stock insurers, 33-2-1211
  fraternal benefit societies, approval, 33-7-517
  treaties or arrangements, notification of material changes, 33-2-1205
Reports to
  development credit corporations, 32-4-306
  fire departments, 19-11-511
  health service corporations, 33-30-202
  joint underwriting associations, 33-22-815
  professional liability insurers, 33-23-311
Retaliatory fees, taxes, and other obligations, 33-2-709
Rules by
  credit life and disability insurance, for, 33-21-111

INSURANCE, COMMISSIONER OF (Continued)

Rules by (Continued)
  domestic stock and mutual insurers, equity securities, 33-3-441, 33-3-442, 33-3-444, 33-3-445, 33-3-447
  general provisions, 33-1-313
  guaranty association's plan of operation, effectuation, 33-10-106, 33-10-216
  holding company systems, 33-2-1104, 33-2-1111, 33-2-1112, 33-2-1117
  medicare supplement policies
    administrative procedures, 33-22-909
    disclosure standards, 33-22-907
    informational brochures, 33-22-907
    standards, 33-22-904 — 33-22-906
  rating organizations, membership, 33-16-404
  rating systems, 33-16-202
  surplus line insurers, 33-2-316
Seal, 33-1-302
Sequestration of voting securities, 33-2-1119, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Holding company systems**
Service of process on
  alien insurers, 33-1-602
  attorney for, appointment as, 33-1-601, 33-1-612
    copy required when, 33-2-115
  combination policies, insurers issuing, 33-15-307
  copy, forwarding, 33-1-603
  domestic insurers, 33-1-602
  fee, 33-1-603, 33-1-613, 33-17-405
  foreign insurers, 33-1-602
  fraternal benefit societies, 33-7-114, 33-7-502
  holding company systems, 33-2-1106
  insurance-support organizations doing business outside state, 33-19-403
  nonresident agents, 33-17-405
  rating or advisory organizations, 33-16-307, 33-16-308, 33-16-401, 33-16-402
  reciprocal insurers, 33-1-602, 33-5-301
  serving, 33-1-603
  surplus line insurers, 33-2-315
  unauthorized insurers
    attorney for, appointment as, 33-1-612
      criteria, 33-1-613, 33-2-104
    fees, 33-1-613
    records, 33-1-613
Solicitors
  appointments, termination — notification, 33-17-206
  examinations, 33-17-212, 33-17-213
  licenses
    applications, 33-17-211
    contents, 33-17-214
    examinations, 33-17-212, 33-17-213
    forms, 33-17-201
    issuance, 33-17-214
    lost, destroyed, or stolen, 33-17-1003
    qualifications, 33-17-202
    return of license, 33-17-1003
    revocation, suspension, or refusal, 33-17-1001, 33-17-1002
State buildings and contents, cooperation concerning plan for, 2-17-104
Subpoenas, issuance, 33-1-315, 33-1-704, 33-2-1345
Supervision proceedings, 33-2-1321
Supervisor, appointment as, 33-2-1321
Surplus line insurance
  agents
    affidavit, filing, 33-2-302
    annual statements, 33-2-310, 33-2-312
    licenses, 33-2-305
      revocation or suspension when, 33-2-313
    surety bond, filing, 33-2-305

INSURANCE, COMMISSIONER OF (Continued)

Surplus line insurance (Continued)
- insurers
  - rules, 33-2-316
  - service of process, appointment as attorney for, 33-2-315
- premium tax
  - nonpayment, collection, 33-2-312
  - payment, 33-2-311

Termination
- employees, of, 33-1-303
- office, of, 2-8-103

Title insurance rates filed with, 33-25-102
Unclaimed property, identification by, 70-9-314
Vending machine licenses, 33-17-221
Violations, insurance, See **INSURANCE, Violations of Montana Insurance Code**
Witnesses
- fraternal benefit society examinations, 33-7-111
- general provisions, 33-1-315
- immunity from prosecution, 33-1-316
- liquidation proceedings, 33-2-1345
- perjury, 33-1-315, 33-1-316
- testimony compelled, 33-1-316, 33-1-704

Workers' compensation organizations
- classification and rating committee representatives, appointment, 33-16-1011
- filings, 33-16-1005

INSURANCE COMPANIES

See **INSURERS — DOMESTIC STOCK AND MUTUAL; INSURERS — FAR MUTUAL; INSURERS ORGANIZATION AND REGULATION GENERALL INSURERS — RECIPROCAL; INSURERS SUPERVISIO REHABILITATION, AND LIQUIDATION; SURETYSHIP AND SURETIE Surety insurers**; See also **INSURANCE — SURPLUS LINE, Insurers**

INSURANCE CONSULTANT LICENSURE ACT, Title 33, chapter 17, part 5

See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANT Licensing — consultants**

INSURANCE, DEPARTMENT OF

See also **INSURANCE, COMMISSIONER OF**

Appropriations
- employees' compensation, 33-1-303
- liquidation proceedings, payment of expenses, 33-2-1345
- rehabilitation expenses, payment, 33-2-1333
- use, 2-15-1902, 33-1-301

Cease and desist orders, enforcement, 33-18-1005
Chief clerk, 33-1-303
Commissioner of, See **INSURANCE, COMMISSIONER OF**
Control, 2-15-1902, 33-1-301
Defined, 33-1-202
Definitions, specific, See **INSURANCE; INSURERS ORGANIZATION AND REGULA TION GENERALLY**
Funding, See **Appropriations**
Health care records, disclosure to, 50-16-311
Location, 2-15-1902
Maintenance and operation, funds for, 2-15-1902, 33-1-301
Medical records, disclosure to, 50-16-311
Product liability insurers, reports, 33-2-721
- availability, 33-2-722

INSURANCE, DEPARTMENT OF (Continued)

Retail installment sales, rates filed with, 31-1-233
Service of process, See **INSURANCE, COMMISSIONER OF; INSURERS ORGANIZATION AND REGULATION GENERALLY**
Supervision, 2-15-1902, 33-1-301, 33-1-303
Termination, 2-8-103

INSURANCE — DISABILITY

See also **INSURANCE; INSURANCE — CASUALTY; INSURANCE — LIFE**

Actions
- joint underwriting associations, by, 33-22-804
- policies, to recover on, 33-22-214, 33-22-602

Agents, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Age of insured
- handicapped dependents, continuation of coverage, 33-22-304, 33-22-506
- limits, effect on coverage, 33-22-302
- misstatements, effect, 33-22-205, 33-22-223, 33-22-302

Alcoholism, coverage for, See **Mental illness, alcoholism, and drug addiction — coverage for**
Annulment of marriage, continuity of coverage for spouse, See **Individual family members continuity of coverage**
Applications for, See also **INSURANCE, Applications**
- alterations, 33-15-402
- evidence, as — when, 33-15-402
- not required when, 33-22-603
- required, 33-15-401

Assignment of policy, 33-15-414, 33-22-215
Autopsy required when, 33-22-213, 33-22-602
Beneficiaries
- change, 33-22-215
- minors as, 33-22-212
- payment to, 33-22-212, 33-22-604

Benevolent associations, nonapplicability of provisions, 33-6-102
Blanket disability insurance
- defined, 33-22-601
- policies, See **Policies, blanket disability**

Claims, See also **INSURANCE, Claims and benefits**, generally
- denial, 33-22-205
- forms, 33-22-209, 33-22-602
- health care records, disclosure, 50-16-311 — 50-16-313
- notice of, 33-22-208, 33-22-602
- payment, 33-22-212, 33-22-602, 33-22-604
  - time of, 33-22-211
- proofs of loss, 33-22-210, 33-22-214, 33-22-602
- reduction, 33-22-205
- unpaid premiums, deduction, 33-22-228

Commissioner, See **INSURANCE, COMMISSIONER OF**
Contract of
- agreements, inclusion, 33-18-208
- insured, terms favorable to benefit of, 33-22-511
- policy to be, 33-22-204, 33-22-602
- requirements, 33-15-401

Conversion of policies, See **Individual family members continuity of coverage; Policies, group**
Coverages
- age limits, effect on, 33-22-302
- alcoholism and drug addiction, for, See **Mental illness, alcoholism and drug addiction — coverage for**
- extended health insurance, See **Extended health insurance for older persons**
- family members, continuity of coverage, See **Individual family members continuity of coverage**

INSURANCE — DISABILITY (Continued)

Coverages (Continued)
  group, continuing — after reduction of work schedule, 33-22-507
  handicapped dependents, 33-22-304, 33-22-506
  home health care, 33-22-1002
  medicare supplement policies, 33-22-907
  mental illness, See **Mental illness, alcoholism, and drug addiction — coverage for**
  newborn infants
    family policies, 33-22-301
    group policies, 33-22-504
  "other valid coverage" provisions, 33-22-225, 33-22-226
  public medical assistance, persons eligible for, 33-22-113
  state institutions, services of, 33-22-112
  statements concerning, 33-22-502
Credit Life Insurance and Credit Disability Insurance, The Model Act for the Regulation of, Title 33, chapter 21, See **INSURANCE — LIFE, Credit life and disability**
Definitions, 33-1-207, 33-22-102, 33-22-201, 33-22-401, 33-22-501, 33-22-601, 33-22-702, 33-22-802, 33-22-903, 33-22-907, 33-22-1001
Disability, continuance — notice regarding, 33-22-208, 33-22-602
Discrimination prohibited, 33-18-206
  exceptions, 33-18-209
Dissolution of marriage, continuity of coverage for spouse, See **Individual family members continuity of coverage**
Drug addiction, coverage for, See **Mental illness, alcoholism, and drug addiction — coverage for**
Earnings of insured, relation to, 33-22-227
Exceptions to provisions, 33-22-101
Execution, proceeds exempt from, 33-15-513
Extended health insurance for older persons
  agents, 33-22-813
  deceptive practices prohibited, 33-22-814
  definitions, 33-22-802
  federal benefits, adjustments for, 33-22-816
  joint underwriting associations
    annual report, 33-22-815
    authorization, 33-22-803
    corporate powers, 33-22-804
    deceptive practices prohibited, 33-22-814
    defined, 33-22-802
    documents, filing, 33-22-805
    examinations, 33-22-804
    prosecution, limited exemption from, 33-22-806
    records, examination, 33-22-804
    service of process, 33-22-804, 33-22-805
    sue and be sued, right to, 33-22-804
  policies
    additional coverage, effect of policies providing, 33-22-811
    forms — approval, procedure, or disapproval, 33-22-812
  purpose of provisions, 33-22-801
  rates, 33-22-812
  sale area, 33-22-813
Federal benefits, adjustment for — when, 33-22-816
Franchise disability insurance, 33-22-401
Fraternal benefit societies, See **FRATERNAL BENEFIT SOCIETIES**, generally
Grace period, 33-22-206
Group disability insurance
  defined, 33-22-501
  eligible groups, 33-22-501
  extended health insurance as form of, 33-22-803
  joint underwriting association for, See **Extended health insurance for older persons**
  new members or employees, addition, 33-22-502
  policies, See **Policies, group**

INSURANCE — DISABILITY (Continued)

Handicapped dependents, coverage beyond attainment of limiting age, 33-22-304, 33-22-506
Health care records
  disclosure to insurer, 50-16-311 — 50-16-313
  policy denial or restriction, transfer of records to physician, 50-16-312, 50-16-313
Health insurance, See **Extended health insurance for older persons**
Health service corporations, See **HEALTH SERVICE CORPORATIONS**
Home health care
  applicability of provisions, 33-22-1003
  coverage, availability, 33-22-1002
  defined, 33-22-1001
Hospitals or medical services, direct payment, 33-22-212, 33-22-505, 33-22-604
Incontestability, 33-22-205
Individual Family Disability Insurance Continuity of Coverage Act, 33-22-305 — 33-22-311, See **Individual family members continuity of coverage**
Individual family members continuity of coverage
  citation of individual family disability insurance continuity of coverage act, 33-22-305
  converted policies, 33-22-307, 33-22-308, 33-22-311
    benefits, nonduplication, 33-22-310
  form of coverage, 33-22-308
  insurability, evidence of, 33-22-308
  notice to carrier, 33-22-309
  overinsurance, 33-22-311
  preexisting conditions, 33-22-308
  premiums, payment, 33-22-309
  purpose of provisions, 33-22-306
  requirements, 33-22-308
  rights to continuation or conversion, 33-22-307
Individual policies, See **Policies, individual**
Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Institutions, state — coverage of services of, 33-22-112
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insureds
  age, See **Age of insured**
  autopsy when, 33-22-213, 33-22-602
  beneficiaries, See **Beneficiaries**
  blanket disability, See **Policies, blanket disability**, generally
  claims, See **Claims**
  conversion entitlement of family members, 33-22-510
  crimes, commission, 33-22-230
  death
    benefits to dependents, continuation, 33-22-503
    coverage of family members, continuity, See **Individual family members continuity of coverage**
  defined, 33-22-102
  earnings, relation to insurance, 33-22-227
  extended health insurance, See **Extended health insurance for older persons**
  group disability, See **Policies, group**, generally
  handicapped dependents, continuation of coverage, 33-22-304, 33-22-506
  home health care, coverage for, 33-22-1001 — 33-22-1003
  hospitals or professionals, claims paid directly to — when, 33-22-212, 33-22-505, 33-22-604
  insurability, evidence of, 33-22-308
  intoxicants, use of — insurer's liability, 33-22-231
  lapse of policy, 33-22-232
  mentally handicapped as, payment of claims, 33-22-604
  minors as, payment of claims, 33-22-604
  narcotics, use of — insurer's liability, 33-22-231
  occupation, See **Occupation of insured**
  physical examination, when, 33-22-213, 33-22-602
  practitioners, freedom of choice in selection, 33-22-111
  public medical assistance, persons eligible for, 33-22-113

INSURANCE — DISABILITY (Continued)

Insureds (Continued)
  reinstatement of policy, 33-22-207, 33-22-232
  state institutions, coverage of services of, 33-22-112
Insurers, See also **INSURANCE ORGANIZATION AND REGULATION GENERALLY**
  agents, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
  alcoholism and drug addiction, coverage for, 33-22-703
  blanket disability policies, See **Policies, blanket disability**, generally
  defined, 33-22-802
  extended health insurance, See **Extended health insurance for older persons**
  franchise disability insurance, 33-22-401
  group policies, requirements, See **Policies, group**, generally
  home health care, coverage for, 33-22-1001 — 33-22-1003
  individual policies, requirements, See **Policies, individual**, generally
  joint underwriting associations, See **Extended health insurance for older persons**
  life, transaction of disability insurance, 33-2-108, 33-17-102
  mental illness, coverage for, 33-22-703
  state institutions, services of — policies excluding coverage unlawful, 33-22-112
Intoxicants, use by insured — insurer's liability, 33-22-231
Joint underwriting associations, See **Extended health insurance for older persons**
Lapse, 33-22-232
Liens, exempt from, 71-3-1118
Life and Disability Insurance Policy Language Simplification Act, 33-15-321 — 33-15-329, See **INSURANCE, Policies**, language simplification
Life insurer, transaction by, 33-2-108, 33-17-102
Loss-of-time provisions, 33-22-208, 33-22-227, 33-22-602
Medical or hospital services, direct payment, 33-22-212, 33-22-505, 33-22-604
Medical records, See **Health care records**
Medicare supplement insurance
  administrative procedures, 33-22-909
  citation of medicare supplement insurance minimum standards act, 33-22-901
  definitions, 33-22-903
  policies, See **Policies, medicare supplement**
  purpose of provisions, 33-22-902
Medicare Supplement Insurance Minimum Standards Act, Title 33, chapter 22, part 9. See **Medicare supplement insurance; Policies, medicare supplement**
Mental illness, alcoholism, and drug addiction — coverage for
  applicability of provisions, 33-22-704
  availability, 33-22-703
  definitions, 33-22-702
  purpose of provisions, 33-22-701
Minors
  beneficiaries, as, 33-22-212
  contract, power to, 33-15-103, 33-15-401, 33-15-502
  handicapped, 33-22-304, 33-22-506
  insured, as, 33-22-604
  newborn infants, 33-22-301, 33-22-504
Model Act for the Regulation of Credit Life Insurance and Credit Disability Insurance, The, Title 33, chapter 21, See **INSURANCE — LIFE, Credit life and disability**
Narcotics, use by insured — insurer's liability, 33-22-231
Newborn infant coverage, 33-22-301, 33-22-504
Occupation of insured
  change, 33-22-222
  illegal, 33-22-230
  misstatements, effect, 33-22-205
Other insurance
  in same insurer, 33-22-224
  misstatements, effect, 33-22-205
Payments
  acquittance, 33-15-501, 33-15-502

INSURANCE — DISABILITY (Continued)

Payments (Continued)
  claims, See **Claims**
  hospital and medical services, direct payment, 33-22-212, 33-22-505, 33-22-604
  insurer, discharge and notice to contrary, 33-15-501
  state institutions, services of, 33-22-112
Physical examination required when, 33-22-213, 33-22-602
Policies, blanket disability
  application not required, 33-22-603
  certificates not required, 33-22-603
  claims, payment and discharge, 33-22-604
  required provisions, 33-22-602
Policies, group
  alcoholism, coverage for, 33-22-703
  benefits to dependents, continuation, 33-22-503
  conversion on termination of eligibility, 33-22-508
    applicability of provisions, 33-22-511
    insured's family, entitlement, 33-22-510
    preexisting conditions, 33-22-509
  death of insured, 33-22-503
  drug addiction, coverage for, 33-22-703
  handicapped dependents, continuation of coverage, 33-22-506
  home health care, 33-22-1002
  hospital and medical services, direct payment, 33-22-505
  medicare supplement, See **Policies, medicare supplement**
  mental illness, coverage for, 33-22-703
  newborn infant coverage, 33-22-504
  reduction of work schedule, continuing coverage after, 33-22-507
  required provisions, 33-22-502
Policies, individual
  actions regarding, 33-22-214
  age of insured, See **Age of insured**
  alcoholism, coverage for, 33-22-703
  assignment, 33-15-414, 33-22-215
  autopsy required when, 33-22-213
  beneficiaries, See **Beneficiaries**
  claims, See **Claims**
  content, 33-22-201
  contract, entire — changes, 33-22-204
  domestic insurers, requirements for policies issued out-of-state, 33-22-203
  drug addiction, coverage for, 33-22-703
  earnings, relation to insurance, 33-22-227
  extended health insurance, effect of policies providing additional coverage, 33-22-811
  family members, continuity of coverage, See **Individual family members continuity of coverage**
  foreign or alien insurers, requirements, 33-22-203
  format, 33-22-201
  grace period, 33-22-206
  incontestability, 33-22-205
  intoxicants, insured's use of — insurer's liability, 33-22-231
  lapse, 33-22-232
  loss-of-time provisions, 33-22-208, 33-22-227
  medicare supplement, See **Policies, medicare supplement**
  mental illness, coverage for, 33-22-703
  misstatements, 33-22-205, 33-22-223
  narcotics, insured's use of — insurer's liability, 33-22-231
  occupation of insured, See **Occupation of insured**
  omission of provisions, 33-22-202
  optional provisions, 33-22-221
  other insurance in same insurer, 33-22-224
  other insurers, insurance with
    other benefits, 33-22-226
    service or expense incurred basis, 33-22-225

INSURANCE — DISABILITY (Continued)

- **Policies, individual** (Continued)
  - "other valid coverage" provisions, 33-22-225, 33-22-226
  - physical examination required when, 33-22-213
  - premiums, See **Premiums**
  - proofs of loss, 33-22-210
  - reinstatement, 33-15-402, 33-22-207, 33-22-232
  - renewal, 33-15-402, 33-22-232
    - refusal, reservation for, 33-22-206
  - required provisions, 33-22-202
  - return of, 33-22-201
  - state statutes, conformity with, 33-22-229
  - substitute provisions, 33-22-202, 33-22-221
  - termination, 33-22-232
  - time limit on certain defenses, 33-22-205
  - unpaid premiums, 33-22-228
  - violation, issued in — validity, 33-22-203
- **Policies, medicare supplement**
  - administrative procedures, 33-22-909
  - benefits, standards, 33-22-905
  - defined, 33-22-903
  - disclosure standards, 33-22-907
  - examination, notice of free, 33-22-908
  - informational brochure, 33-22-907
  - loss ratio standards, 33-22-906
  - preexisting conditions, effect, 33-22-904
  - return, right to, 33-22-908
  - standards, 33-22-904, 33-22-905
- **Policy Language Simplification Act, Life and Disability Insurance**, 33-15-321 – 33-15-329, See **INSURANCE, Policies**, language simplification
- **Practitioners**, freedom of insured's choice in selection, 33-22-111
- **Premiums**
  - abatement, 33-18-209
  - age, misstatement — effect, 33-22-223
  - bonuses, 33-18-209
  - continuation or conversion of policies, 33-22-309, 33-22-507, 33-22-508
  - extended health insurance for older persons, 33-22-812
  - federal benefits, adjustment for, 33-22-816
  - nonpayment, 33-22-207, 33-22-232, 33-22-813
  - occupation of insured, effect of change, 33-22-222
  - readjustment, 33-18-209
  - reduction, 33-18-209
  - refunds, 33-22-201, 33-22-302, 33-22-908
  - unpaid, 33-22-228
- **Proofs of loss**, 33-22-210, 33-22-602
- **Public medical assistance**, coverage of persons eligible for, 33-22-113
- **Rates and rating organizations**, nonapplicability of provisions, 33-16-103
- **Rebates prohibited**, 33-18-208
  - exceptions, 33-18-209
- **Reinstatement**, 33-22-207, 33-22-232
- **Renewal**, 33-22-232
  - refusal, reservation for, 33-22-206
- **Separation of spouses**, continuity of coverage, See **Individual family members continuity of coverage**
- **State institutions**, coverage of services of, 33-22-112
- **Termination**, 33-22-232
- **Third-party ownership**, 33-22-102
- **Violations**
  - generally, 33-22-103
  - state institutions, services of — exclusion from coverage, 33-22-112

INSURANCE GUARANTY ASSOCIATION ACT, Title 33, chapter 10, part 1

See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY**

INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY

Actions
  immunity from liability, 33-10-110
  insured, against — when, 33-10-114
  judicial review, subject to, 33-10-109
  stay of proceedings when, 33-10-111
  sue and be sued, power to, 33-10-105
Appeals by member insurers, 33-10-106
Assessments, 33-10-116
  failure to pay, 33-10-109
  rates, recognition in, 33-10-117
Assets, 33-10-106
Board of directors, See **Directors, board of**
Borrowing, 33-10-105
Citation of Montana Insurance Guaranty Association Act, 33-10-101
Claims
  covered claims
    default judgments, from, 33-10-111
    defined, 33-10-102
    expenses of handling, 33-10-116
    forms of proof, 33-10-106
    obligation of association, 33-10-105
    priority, 33-10-114
    receiver, effect as to, 33-10-114
    statements concerning, 33-10-114
  filing, procedures, 33-10-106
  insured, effect as to, 33-10-114
  notice, 33-10-113
  receiver, effect as to, 33-10-114
  recovery, sequence and nonduplication, 33-10-115
  workers' compensation, 33-10-105, 33-10-115
Commissioner, See **INSURANCE, COMMISSIONER OF**
Construction of provisions, 33-10-101
Contracts, party to, 33-10-105
Covered claims, See **Claims**
Creation, 33-10-103
Default judgments, reopening, 33-10-111
Definitions, 33-2-1303, 33-10-102
Delegation of power, 33-10-106
Directors, board of
  assets exceeding liabilities, estimations, 33-10-105
  composition, 33-10-104
  delegation of power, approval, 33-10-106
  establishment, 33-10-103
  examinations, requests for and reports, 33-10-108
  expenses, reimbursement, 33-10-104, 33-10-106
  financial report, submission, 33-10-112
  insolvencies, prevention and reports concerning, 33-10-108
  meetings, 33-10-106
  premiums, net direct written — request for statement regarding, 33-10-109
  selection, 33-10-104, 33-10-106
  term, 33-10-104
  vacancies, 33-10-104
Duties, See **Powers and duties**
Employees, 33-10-105
Examinations
  association, of, 33-10-112
  expenses, 33-10-116
  member insurers, of, 33-10-108
Exceptions to provisions, 33-10-101
Financial reports, 33-10-112
Hearings, 33-10-106, 33-10-109
Immunity from liability, 33-10-110

INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY (Continued)

- **Insolvencies of insurers**, See also **INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION**
  - notice, 33-10-109
  - prevention, 33-10-108
  - report regarding, 33-10-108
- **Insolvent insurers**
  - association's rights and duties, 33-10-105
  - default judgments, reopening, 33-10-111
  - defined, 33-10-102
  - stay of proceedings, 33-10-111
- **Insurance, Commissioner of**, See **INSURANCE, COMMISSIONER OF**
- **Insurers Supervision, Rehabilitation, and Liquidation Act**, Title 33, chapter 2, part 13 See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- **Liability**, immunity from, 33-10-110
- **Liquidation of insurers**, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- **Liquidators**, 33-10-113, 33-10-114
- **Member insurers**
  - appeals, 33-10-106
  - assessments, See **Assessments**
  - certificate of authority, revocation or suspension when, 33-10-109
  - defined, 33-10-102
  - examination, 33-10-108
  - fines, 33-10-109
  - insolvency, See **Insolvencies; Insolvent insurers**
  - plan of operation, compliance, 33-10-106
  - premiums, net direct written — statements regarding, 33-10-109
  - refunds to, 33-10-105
- **Montana Insurance Guaranty Association Act**, citation, 33-10-101
- **Notices**
  - certificate of authority, revocation or suspension, 33-10-109
  - claims, 33-10-113
  - insolvencies, 33-10-109
  - rules, adoption and promulgation, 33-10-106
- **Plan of operation**
  - amendments, 33-10-106
  - approval, 33-10-103, 33-10-106
  - contents, 33-10-106
  - directors, board of — establishment of terms, 33-10-104
  - establishment, 33-10-103
  - noncompliance, 33-10-109
  - submission, 33-10-106
- **Powers and duties**
  - delegation of, 33-10-106
  - directors, board of — exercised by, 33-10-103
  - generally, 33-10-105
- **Premiums, net direct written**
  - assessments in proportion to, 33-10-116
  - defined, 33-10-102
  - statements regarding, 33-10-109
- **Purpose of provisions**, 33-10-101
- **Receivers**, 33-10-113, 33-10-114
- **Records**, procedures for, 33-10-106
- **Rehabilitation of insurers**, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- **Reports**
  - confidential when, 33-10-108
  - financial, 33-10-112
  - insolvencies, regarding, 33-10-108
- **Scope of provisions**, 33-10-101

INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY (Continued)

Servicing facilities
  designation, 33-10-105
    revocation when, 33-10-109
  reimbursements, 33-10-105, 33-10-106
Short title, 33-10-101
Sue or be sued, power to, 33-10-105
Tax exemption, 33-10-107
Workers' compensation claims, 33-10-105, 33-10-115, See also **Claims**

INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH

Accounts
  assessments divided among, 33-10-227
  defined, 33-10-202
  enumeration, 33-10-203
Actions
  appeals by member insurers, 33-10-228
  assessments, unpaid — recovery, 33-10-205
  immunity from liability, 33-10-207
  stay of proceedings, 33-10-222
  sue and be sued, power to, 33-10-205
Ancillary receiver, contracts with, 33-10-205
Annual report, 33-10-206, 33-10-209
Annuity account, See **Accounts**, generally
Appeals by member insurers, 33-10-228
Assessments
  abatement or deferment when, 33-10-227
  certificate of contribution, 33-10-227
  classification and computation, 33-10-227
  collection, 33-10-216, 33-10-227
  distribution to stockholders, recovery prior to, 33-10-226
  failure to pay, 33-10-228
  member insurers subject to, 33-10-201
  unpaid, recovery, 33-10-205
Assets
  certificate of contribution as, 33-10-227, 33-10-230
  directors, board of — reimbursement of expenses from, 33-10-204
  handling procedures, 33-10-216
  subrogation rights, 33-10-223, 33-10-225
  use, 33-10-225
Assignment by beneficiaries, 33-10-223
Beneficiaries, assignment by, 33-10-223
Board of directors, See **Directors, board of**
Borrowing, power of, 33-10-205
Citation of Montana Life and Health Insurance Guaranty Association Act, 33-10-201
Claims, improper — payment avoided, 33-10-205
Commissioner, See **INSURANCE, COMMISSIONER OF**
Confidentiality of records and reports, 33-10-206, 33-10-217, 33-10-218
Conservator
  appointment, 33-10-215
  contracts with, 33-10-205
  nomination by association, 33-10-221
Construction of provisions, 33-10-201
Contract liens, 33-10-220
Contracts, party to, 33-10-205
Contractual obligations
  assets, use, 33-10-225
  defined, 33-10-202
  liability, extent, 33-10-224
  payment, 33-10-219, 33-10-220, 33-10-225, 33-10-229
  unfulfillment, 33-10-201, 33-10-217, 33-10-218

INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH (Continued)

Covered policies, See **Policies**
Creation, 33-10-201, 33-10-203
Creditor, as, 33-10-225
Default judgments, reopening, 33-10-222
Definitions, 33-2-1303, 33-10-202
Delegation of power, 33-10-216
Directors, board of
  appeals from actions by, 33-10-228
  assessments, levy, 33-10-227
  composition, 33-10-204
  delegation of power, approval, 33-10-216
  examinations
    reports, 33-10-218
    requested by, 33-10-217
  expenses, reimbursement, 33-10-204, 33-10-216
  financial report, submission, 33-10-209
  impaired insurers, notification of existence, 33-10-215
  impairments, prevention and reports regarding, 33-10-217
  meetings, 33-10-216
  powers exercised by, 33-10-203
  premiums, statement regarding, 33-10-215
  records, 33-10-216
  refunds to member insurers when, 33-10-227
  selection, 33-10-204, 33-10-216
  term, 33-10-204
  vacancies, 33-10-204
Employees, 33-10-205
Examinations
  association, of, 33-10-209
  generally, 33-10-218
  member insurer, of, 33-10-217
Exceptions to provisions, 33-10-201
Health insurance account, See **Accounts**, generally
Hearings, 33-10-216, 33-10-228
Immunity from liability, 33-10-207
Impaired insurers, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  assets, subrogation rights — priority, 33-10-223, 33-10-225
  contractual obligations, See **Contractual obligations**
  creditor of, association as, 33-10-225
  defined, 33-10-202
  dividends, recovery, 33-10-229
  liquidation, association's powers
    during, 33-10-220
    prior to, 33-10-219
  notices to, 33-10-215
  ownership rights, distribution, 33-10-226
  shareholders, distribution to, 33-10-226
  stay of proceedings, 33-10-222
Impairments
  prevention, 33-10-201, 33-10-217
  reports concerning, 33-10-217
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insurers Supervision, Rehabilitation, and Liquidation Act, Title 33, chapter 2, part 13, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Judgments, default — reopening, 33-10-222
Jurisdiction, 33-10-205
Liability
  covered policies, on, 33-10-220
  extent, 33-10-224
Liens on policies or contracts, 33-10-220
Life insurance account, See **Accounts**, generally

INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH (Continued)

Liquidation of insurers, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  dividends, recovery, 33-10-229
  impaired insurers, association's powers, 33-10-219, 33-10-220
Liquidator
  appointment, 33-10-215
  contracts with, 33-10-205
  nomination by association, 33-10-221
Meetings, records, 33-10-206
Member insurers
  appeals, 33-10-228
  assessments, See **Assessments**
  certificate of authority, suspension or revocation when, 33-10-228
  defined, 33-10-202
  directors, board of — selection, 33-10-204
  examinations, 33-10-218
  forfeitures when, 33-10-228
  impairments, See **Impaired insurers; Impairments**
  plan of operation, compliance, 33-10-216
  premiums, See **Premiums**
  refunds, 33-10-227, 33-10-230
  tax writeoffs, 33-10-230
Montana Life and Health Insurance Guaranty Association Act, citation, 33-10-201
Moratoriums on payments, 33-10-220
Negotiations, records, 33-10-206
Notices
  certificate of authority, suspension or revocation, 33-10-228
  impaired insurers, to, 33-10-215
  rules, adoption and promulgation, 33-10-216
Plan of operation
  amendments, 33-10-216
  approval, 33-10-203, 33-10-216
  contents, 33-10-216
  directors, board of — establishment of terms, 33-10-204
  establishment, 33-10-203
  noncompliance, 33-10-228
  submission, 33-10-216
Policies
  covered policies
    assets, use, 33-10-225
    defined, 33-10-202
    liability, 33-10-224
    reinsurance when, 33-10-219, 33-10-220
  liens, 33-10-220
Powers
  delegation of, 33-10-216
  generally, 33-10-205
Premiums
  defined, 33-10-202
  member insurers, of — statement regarding, 33-10-215
Prohibited practices, 33-10-210
Purpose of provisions, 33-10-201
Receiver, recovery of dividends, 33-10-229
Records
  confidentiality, 33-10-206
  meetings, 33-10-206
  negotiations, 33-10-206
  procedures for, 33-10-216
Regulation, 33-10-209
Rehabilitation of insurers, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  dividends, recovery, 33-10-229
  impaired insurers, association's powers, 33-10-219, 33-10-220

INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH (Continued)

Rehabilitator
  appointment, 33-10-215
  contracts with, 33-10-205
  nomination by association, 33-10-221
Reinsurance, 33-10-219, 33-10-220
Reports
  annual, 33-10-206, 33-10-209
  confidentiality, 33-10-217, 33-10-218
  examination, 33-10-218
  impairments, regarding, 33-10-217
  solvency, liquidation, rehabilitation, or supervision — regarding, 33-10-217
Rules, 33-10-216
Scope of provisions, 33-10-201
Short title, 33-10-201
Standing, 33-10-205
Subrogation rights, 33-10-223, 33-10-225
Sue and be sued, right to, 33-10-205
Supervision
  association, of, 33-10-203
  insurer, of, 33-10-219, 33-10-220, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Tax
  exemptions, 33-10-208
  writeoffs, 33-10-230
Unfair trade practices, 33-10-210

INSURANCE HOLDING COMPANY SYSTEMS

See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Holding company systems**

INSURANCE INFORMATION AND PRIVACY PROTECTION ACT, Title 33, chapter 19

See **INSURANCE, Information and privacy protection**

INSURANCE — LIFE

See also **INSURANCE**; See also generally **FRATERNAL BENEFIT SOCIETIES**

Age, misstatement — effect, 33-20-107, 33-20-305, 33-20-1206
Agents, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Annuity contracts
  age, misstatement — effect, 33-20-305
  applications, See **Applications for**
  assets of insurers, 33-2-501
  assignability of rights, 33-15-514
  contract, entire, 33-20-304
  deferred compensation used to purchase, 19-2-102
  dividends, 33-20-306
  execution, proceeds exempt from, 33-15-514
  forms
    filing, approval, or disapproval, 33-1-501, 33-1-502
    identification, 33-15-303
  grace period, 33-20-302
  incontestability, 33-20-303
  individual deferred, See **Standard nonforfeiture law — individual deferred annuities**
  loans, 33-2-805

INSURANCE — LIFE (Continued)

Annuity contracts (Continued)
  payments
    acquittance, 33-15-501, 33-15-502
    insurer, discharge and notice to contrary, 33-15-501
  prohibited plans, 33-20-123
  reinstatement, 33-20-119, 33-20-307
  reversionary, See **Reversionary annuity contracts**
  sex, misstatement — effect, 33-20-305
  standard provisions, 33-20-301
  standard valuation of reserve liabilities law, 33-2-521 — 33-2-526, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Reserves**, life insurance, standard valuation of reserve liabilities
Applications for, See also **INSURANCE**, **Applications**
  alterations, 33-15-402
  contract, part of, 33-20-106, 33-20-304, 33-20-1204
  evidence, as — when, 33-15-402
  reinstatement, 33-20-112
  representations, statements as, 33-20-106
  required, 33-15-401
Assignment
  annuity contracts, 33-15-514
  creditors, for benefit of — exempt, 31-2-227
  loan, secured by, 33-2-825
  policy, of, 33-15-414, 33-20-109
Beneficiaries
  industrial life policies, 33-20-115
  proceeds, holding — agreements for, 33-20-120
Benefits, See also **Payments**; See also **INSURANCE**, **Claims and benefits**
  additional, disregarded in calculation of values, 33-20-211
  age, misrepresentation — effect, 33-20-107, 33-20-305
  cash surrender, See **Standard nonforfeiture law — individual deferred annuities**
  death, See **Standard nonforfeiture law — individual deferred annuities**
  group life, See **Group life**
  nonforfeiture, See **Nonforfeiture benefits**
  paid-up annuity, See **Standard nonforfeiture law — individual deferred annuities**
  prohibited plans, 33-20-123
  sex, misrepresentation — effect, 33-20-305
Benevolent associations, nonapplicability of provisions, 33-6-102
Cash surrender benefits, See **Standard nonforfeiture law — individual deferred annuities**
Cash surrender values
  calculation, 33-20-211
    methods used, 33-20-202
    mortality tables, by, 33-20-202
  exhaustion, 33-20-112
  generally, 33-20-203
  interest, rate of, 33-20-205 — 33-20-207
  loan value equal to, 33-2-825, 33-20-109
  nonforfeiture benefits, in lieu of, 33-20-202
  payment when, 33-20-202
    defer, right to, 33-20-202
  policies
    changes, date of inception for determination, 33-20-204
    surrendered for, 33-20-112
  table of values, 33-20-110, 33-20-202
Claims, See also **Payments**; See also **INSURANCE**, **Claims and benefits**
  grace period, during, 33-20-104, 33-20-302
  payment, 33-20-114
    industrial life policies, 33-20-115
  proofs required, 33-20-114, 33-20-115
Commissioner, See **INSURANCE, COMMISSIONER OF**
Contestability, 33-20-118, 33-20-119

INSURANCE — LIFE (Continued)

Contract of, See also **INSURANCE, Contract of insurance**
  agreements, to contain, 33-18-208
  annuity, See **Annuity contracts**
  deferred compensation used to purchase, 19-2-102
  entire, policy as, 33-20-106, 33-20-304
  group life, See **Group life**
  individual deferred annuities, See **Standard nonforfeiture law — individual deferred annuities**, generally
  minors, 33-15-103
  requirements, 33-15-401
  reversionary annuity, See **Reversionary annuity contracts**
  scope of provisions, 33-20-101
Corporations, group insurance, 33-20-1101, 33-20-1103, 33-20-1105
Credit life and disability
  amount, 33-21-202
  banks, authorization to sell, 32-1-105, 32-1-106
  citation of the model act for the regulation of credit life insurance and credit disability insurance, 33-21-101
  claims, 33-21-105
  consumer loan businesses, limitations, 32-5-306
  definitions, 33-21-103
  enforcement of provisions, 33-21-111
  existing insurance, 33-21-104
  finance companies, required by, 32-5-306
  forms, 33-21-205
  installment sales, 31-1-233
  insurers
    choice of, 33-21-104
    claims, 33-21-105
    forms, filing, 33-21-205
    hearings, 33-21-111, 33-21-205
    orders for compliance, 33-21-111
      judicial review, 33-21-112
      penalty for violation, 33-21-113
    policy or certificate, delivery, 33-21-204
    rates, filing, 33-21-205, 33-21-206
    violations, 33-21-113, 33-21-205
  issuance, form, 33-21-201
  loan companies, required by, 32-5-306
  policy or certificate, delivery and contents, 33-21-204, 33-21-207
  premiums, 33-21-205, 33-21-206
  purpose of provisions, 33-21-102
  rates, 33-21-205, 33-21-206
  refunds, 33-21-203, 33-21-206
  retail installment sales, 31-1-233
  rules for supervision, 33-21-111
  scope of provisions, 33-21-102
  short title, 33-21-101
  term, 33-21-203
  termination prior to scheduled maturity, 33-21-203, 33-21-206
Credit union groups, 33-20-1106
Death benefits, See **Standard nonforfeiture law — individual deferred annuities**
Debtor groups, 33-20-1105
Definitions, 33-1-208, 33-20-102, 33-20-1002, 33-20-1101, 33-20-1103 — 33-20-1105, 33-21-103
Disability and life, See **Credit life and disability**
Disability insurance, nonapplicability of provisions when, 33-22-101
Discrimination prohibited, 33-18-206, 33-20-123
  exceptions, 33-18-209
Dividends
  annuity contracts, 33-20-306
  general provisions, 33-20-108
  increase when, 33-20-109

INSURANCE — LIFE (Continued)

Employee groups, 33-20-1101, 33-20-1111
"Employee life insurance" defined, 33-20-1002, See **Group life**
Employer and labor union combination groups, 33-20-1103
Endowment contracts, See **Annuity contracts**, generally
Exclusions contained in, 33-20-121
Execution, proceeds exempt from, 25-13-616, 33-15-511
  annuity contracts, 33-15-514
  group life, 33-15-512
Facility-of-payment clause, 33-15-511, 33-15-512
Fraternal benefit societies, See **FRATERNAL BENEFIT SOCIETIES**, generally
Grace period, 33-20-104
  annuity contracts, 33-20-302
  group life, 33-20-1202
Group life, See also **Groups and group requirements**
  age, misstatement — effect, 33-20-1206
  applications, 33-20-1204
  benefits
    age, misstatement — effect, 33-20-1206
    payment, 33-20-1207
  certificate, issuance and contents, 33-20-1208
  contracts, requirements, 33-20-1001, 33-20-1201
  conversions
    death pending, 33-20-1211
    right to, notice, 33-20-1212
    termination of eligibility, 33-20-1209
    termination of policy, 33-20-1210
  credit life and disability, See **Credit life and disability**, generally
  disability policies, See **INSURANCE — DISABILITY, Policies, group**
  "employee life insurance" defined, 33-20-1002
  execution, proceeds exempt from, 33-15-512
  grace period, 33-20-1202
  incontestability, 33-20-1203
  individual policies, conversion to, 33-20-1209 — 33-20-1212
  insurability, evidence of, 33-20-1203, 33-20-1205, 33-20-1212
    not required when, 33-20-1209
  liens, exempt from, 71-3-1118
  nonforfeiture provisions required when, 33-20-1201
  parttime employees, coverage, 33-20-1209
  premiums, misstatement of age — effect, 33-20-1206
  violations, 33-20-1003
Groups and group requirements, See also **Group life**
  credit union, 33-20-1106
  debtor groups, 33-20-1105
  disability policies, See **INSURANCE — DISABILITY, Policies, group**
  employee, 33-20-1101
    dependents, coverage, 33-20-1111
  "employees" defined, 33-20-1101, 33-20-1103, 33-20-1104
  employer and labor union combinations, 33-20-1103
  labor union, 33-20-1102, 33-20-1103
    dependents, coverage, 33-20-1111
  public employees, 33-20-1104
  trustee, 33-20-1103
  violations, 33-20-1003
Guaranty association, See **INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
Health care records, transfer to physician upon policy denial or restriction, 50-16-312, 50-16-313
Incontestability, 33-20-105, 33-20-118
  annuity contracts, 33-20-303
  group life, 33-20-1203
  reinstatement, limitation on liability following, 33-20-119

INSURANCE — LIFE (Continued)

Indebtedness
    annuity contracts, on, 33-20-505, 33-20-507
    cash surrender values, deduction from, 33-20-203
    interest, 33-20-109
    loan value or proceeds
        deduction from, 33-20-109
        equals or exceeds value, effect on policy, 33-20-109
    reinstatement, 33-20-112, 33-20-307, 33-20-401
    settlement, deduction from, 33-20-120
Individual deferred annuities, See **Standard nonforfeiture law — individual deferred annuities**
Industrial life insurance
    applications as evidence when, 33-15-402
    beneficiaries, 33-20-115
    cash surrender value in lieu of nonforfeiture benefits, 33-20-202
    defined, 33-20-102
    dividends, 33-20-108
    grace period, 33-20-104
    mortality tables, 33-20-207, See also **Mortality tables**
    nonforfeiture benefits, See **Nonforfeiture benefits**
    premiums
        adjusted, calculation, 33-20-207
        reduction or refund, reports, 33-2-705
    prohibited provisions, 33-20-122
    reinstatement, 33-20-112
    valuation, 33-2-523
Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Installments, table of, 33-20-111
Insurability, evidence of
    group insurance
        credit union groups, 33-20-1106
        debtor groups, 33-20-1105
        employee groups, 33-20-1101, 33-20-1111
        employer and labor union combination groups, 33-20-1103
        labor union groups, 33-20-1102, 33-20-1103, 33-20-1111
        public employee groups, 33-20-1104
    group life, 33-20-1203, 33-20-1205, 33-20-1212
        not required when, 33-20-1209
    reinstatement, for, 33-20-112, 33-20-307, 33-20-401
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insurers, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
    agents, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
    annuities, granting, 33-2-108, 33-2-109
    assets, allowable, 33-2-501
    credit life and disability, See **Credit life and disability**
    disability insurance, agents licensed for, 33-17-102, See also **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
    domestic stock and mutual, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
    fraternal benefit societies, conversion into mutual life insurer, 33-7-213
    insuring powers, combinations, 33-2-108
    investments, 33-2-806, 33-2-825
    loans, authorization, 33-2-805, 33-2-825
    misrepresentations, 33-18-202
    mortuaries, prohibited relationships with, 33-18-301
    mutual, See **INSURERS — DOMESTIC STOCK AND MUTUAL**, generally
    name, conflicts, 33-2-107
    notices of compliance, filing, 33-20-206, 33-20-207, 33-20-213, 33-20-513
    reciprocal, transaction of life insurance prohibited, 33-2-108, 33-5-501
    rehabilitation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**

INSURANCE — LIFE (Continued)

Insurers (Continued)
  reserves as liability, 33-2-511
  standard valuation of reserve liabilities law, 33-2-521 — 33-2-526, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Reserves**, life insurance, standard valuation of reserve liabilities
  surplus, apportionment, 33-20-108, 33-20-306
Labor union groups, 33-20-1102, 33-20-1103, 33-20-1111
Liability
  industrial life policies, 33-20-122
  limitations, 33-20-121
  reinstatement, following, 33-20-119
Liens, exempt from, 71-3-1118
Life and Disability Insurance Policy Language Simplification Act, 33-15-321 — 33-15-329, See **INSURANCE**, **Policies**, language simplification
Loans, policy
  authorization, 33-2-805
  general provisions, 33-20-109
  investments, as, 33-2-825
  security for, 33-2-825
  settlements, amount withheld from, 33-20-120
  table of values, 33-20-110
Medical examination of applicants, 33-18-212
Medical records, transfer to physician upon policy denial or restriction, 50-16-312, 50-16-313
Minors
  acquittance, 33-15-502
  beneficiary, as, 33-20-115
  contract, power to, 33-15-103
  premiums, 33-20-204
Model Act for the Regulation of Credit Life Insurance and Credit Disability Insurance, Title 33, chapter 21, See **Credit life and disability**
Mortality tables
  cash surrender values, 33-20-202
  individual deferred annuities, 33-20-503, 33-20-504, 33-20-506, 33-20-508
  industrial policies, 33-20-207
  life policies, 33-20-205, 33-20-206
  nonforfeiture benefits, 33-20-121, 33-20-202
Nonforfeiture benefits
  calculation, 33-20-211
    method used, 33-20-202
    mortality tables, by, 33-20-121, 33-20-202
  cash surrender value in lieu of, 33-20-202
  paid-up
    effective date, 33-20-202
    generally, 33-20-203
    granting, provisions for, 33-20-202
    interest, rate of, 33-20-205 — 33-20-207
  policy changes, date of inception for determination, 33-20-204
  table of, 33-20-110, 33-20-202
  term insurance offered as, See **Term insurance**, generally
Nonforfeiture Law for Individual Deferred Annuities, Standard, Title 33, chapter 20, part 5, See **Standard nonforfeiture law — individual deferred annuities**
Nonforfeiture Law for Life Insurance, Standard, Title 33, chapter 20, part 2, See **Standard nonforfeiture law — life insurance**
Nonforfeiture provisions
  group life to contain when, 33-20-1201
  individual deferred annuities, See **Standard nonforfeiture law — individual deferred annuities**
  life insurance, See **Standard nonforfeiture law — life insurance**
  surplus, payment, 33-20-108
Nonforfeiture rights, policies issued before operative date, 33-20-117
Paid-up annuity benefits, See **Standard nonforfeiture law — individual deferred annuities**

INSURANCE — LIFE (Continued)

- **Paid-up nonforfeiture provisions**, See **Nonforfeiture provisions**
- **Paid-up term insurance**, See **Term insurance**
- **Partnerships**, group insurance, 33-20-1101, 33-20-1103, 33-20-1105
- **Payments**
  - acquittance, 33-15-501, 33-15-502
  - default
    - annuity contracts, 33-20-307
    - reversionary annuity contracts, 33-20-401
  - insurer, discharge and notice to contrary, 33-15-501
  - reduction, reversionary annuity contracts, 33-20-401
- **Pledge of policy**, 33-2-825, 33-20-109
- **Policies**, See this category generally; See also **INSURANCE, Policies**
- **Policy Language Simplification Act, Life and Disability Insurance**, 33-15-321 – 33-15-329, See **INSURANCE, Policies**, language simplification
- **Policy loans**, See **Loans, policy**
- **Premiums**
  - abatement, 33-18-209
  - adjusted
    - calculation, 33-20-205, 33-20-206
    - industrial policies, 33-20-207
    - life policies, 33-20-204 — 33-20-206
  - age considered in determination, 33-20-107
  - bonuses, 33-18-209
  - credit life and disability, 33-21-205, 33-21-206
  - credit union groups, 33-20-1106
  - debtor groups, 33-20-1105
  - default, 33-20-117, 33-20-202, 33-20-203
    - reinstatement of policy when, 33-20-112
  - employee groups, 33-20-1101, 33-20-1111
  - employee life insurance, 33-20-1002
  - employer and labor union combination groups, 33-20-1103
  - group life, 33-20-1206, 33-20-1209
  - industrial life, 33-2-705, 33-20-207
  - labor union groups, 33-20-1102, 33-20-1103, 33-20-1111
  - minors, life policies, 33-20-204
  - nonpayment, 33-20-105, 33-20-1203
  - payment, generally, 33-20-113
  - public employee groups, 33-20-1104
  - readjustment, 33-18-209
  - reduction, 33-18-209, 33-20-109
  - unpaid, deducted from settlement, 33-20-120
- **Proceeds**
  - execution, See **Execution, proceeds exempt from**
  - holding, 33-20-120
  - installments, table of, 33-20-111
  - insurer, discharge and notice to contrary, 33-15-501
- **Prohibited policy plans**, 33-20-123
- **Prohibited provisions**
  - industrial life policies, 33-20-122
  - liability, limitations on, 33-20-121
- **Proprietors**, group insurance, 33-20-1101, 33-20-1103, 33-20-1105
- **Public employee groups**, 33-20-1104
- **Pure endowment contracts**, See **Annuity contracts**, generally
- **Rates and rating organizations**, nonapplicability of provisions, 33-16-103
- **Rebates prohibited**, 33-18-208
  - exceptions, 33-18-209
- **Reciprocal insurers**, transaction prohibited, 33-2-108, 33-5-501
- **Reinstatement**, 33-15-402, 33-20-112
  - annuity contracts, 33-20-307
  - charges for, not prohibited, 33-18-212
  - contested when, 33-20-119

INSURANCE — LIFE (Continued)

Reinstatement (Continued)
  liability following, 33-20-119
  reversionary annuity contracts, 33-20-401
Renewal, 33-15-402
Reserve liabilities, standard valuation, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Reserves**, life insurance, standard valuation of reserve liabilities
Restrictions contained in, 33-20-121
Reversionary annuity contracts, standard provisions, 33-20-401
Scope of provisions, 33-20-101
Settlement of policies
  holding proceeds when, 33-20-120
  indebtedness deducted from, 33-20-120
  individual deferred annuities, 33-20-503
  payments, overdue or deferred — deduction, 33-20-302
  proofs required, 33-20-114
  reversionary annuity contracts, 33-20-401
Sex, misstatement — effect, 33-20-305
Standard Nonforfeiture Law for Individual Deferred Annuities, Title 33, chapter 20, part 5, See **Standard nonforfeiture law — individual deferred annuities**
Standard Nonforfeiture Law for Life Insurance, Title 33, chapter 20, part 2, See **Standard nonforfeiture law — life insurance**
Standard nonforfeiture law — individual deferred annuities
  application of provisions, 33-20-502
  benefits
    additional, 33-20-512
    adjusted, 33-20-511
    calculation, 33-20-512
      mortality table for, 33-20-503
    cash surrender, 33-20-507
      paid-up annuity in lieu of, 33-20-503
      payment and deferment when, 33-20-503
    contract, termination, 33-20-504
    death, 33-20-507
      noninclusion, statement regarding, 33-20-510
    maturity date, 33-20-509
    minimum, not less than, 33-20-503
    nonforfeiture amounts, minimum values based on, 33-20-505, 33-20-506
    paid-up annuity, 33-20-508
      cash surrender, in lieu of, 33-20-503
      granting, provision for, 33-20-503
    special, excluded, 33-20-512
  citation, 33-20-501
  exception, 33-20-504
  maturity date, 33-20-509
  mortality table, 33-20-503, 33-20-504, 33-20-506, 33-20-508
  nonforfeiture amounts, minimum
    calculation, 33-20-505
    cash surrender benefits not less than, 33-20-507
    paid-up annuity benefits not less than, 33-20-508
    present value to equal, 33-20-506
  nonforfeiture provisions, 33-20-503
  operative date, 33-20-513
  short title, 33-20-501
  termination, 33-20-504
Standard nonforfeiture law — life insurance
  cash surrender values, 33-20-203
  citation, 33-20-201
  exceptions, 33-20-212
  industrial policies, mortality tables, 33-20-207, See also **Industrial life insurance**
  mortality tables, 33-20-205, 33-20-206
    industrial policies, 33-20-207

INSURANCE — LIFE (Continued)

- **Standard nonforfeiture law — life insurance** (Continued)
  - nonforfeiture benefits, 33-20-203
  - nonforfeiture provisions, 33-20-202
  - operative date, 33-20-213
    - policies issued after, mortality tables, 33-20-206
  - premiums, adjusted, 33-20-204
    - calculation, 33-20-205
  - short title, 33-20-201
  - values, calculation, 33-20-211
- **Standard provisions**
  - annuity contracts, 33-20-301
  - exceptions, 33-20-103
  - required, 33-20-103
  - reversionary annuity contracts, 33-20-401
- **Substandard policies**
  - premiums, adjusted, 33-20-204
    - calculation, 33-20-205 — 33-20-207
  - values, calculation, 33-20-205 — 33-20-207
- **Tables**
  - installments, of, 33-20-111
  - mortality, See **Mortality tables**
  - values, of, 33-20-110, 33-20-202
- **Termination when**, 33-20-109, 33-20-504, 33-20-1210
- **Term insurance**
  - paid-up
    - expiration, 33-20-112
    - values, calculation, 33-20-205 — 33-20-207
  - premiums, adjusted, 33-20-204
  - standard nonforfeiture law, exception to — when, 33-20-212
- **Title on policy**, 33-20-116
- **Trustee groups**, 33-20-1103
- **Unclaimed funds held by**, See **PERSONAL PROPERTY, Unclaimed or abandoned property**
- **Valuation of reserve liabilities**, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Reserves**, life insurance, standard valuation of reserve liabilities
- **Values**
  - cash surrender, See **Cash surrender values**
  - nonforfeiture benefits, See **Nonforfeiture benefits**
  - prohibited plans, 33-20-123
  - table of, 33-20-110, 33-20-202
- **Void when**, 33-20-109
  - industrial life policies, 33-20-122

INSURANCE — MARINE

See also **INSURANCE**

- **Coverages and risks**
  - commercial property, 33-1-228
  - domestic shipments, 33-1-225
  - exceptions, 33-1-229
  - exports, 33-1-224
  - imports, 33-1-223
  - instrumentalities of transportation and commerce, 33-1-226
  - personal property, 33-1-227
- **Defined**, 33-1-209
- **Nationwide Inland Marine Definition Act**, citation, 33-1-221
- **Premium tax**, 33-2-705, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY, Premium tax**
- **Purpose of provisions**, 33-1-222
- **Rates and rating organizations**, nonapplicability of provisions, 33-16-103

INSURANCE — MARINE (Continued)

Service of process provisions, exemption, 33-1-614
Short title, 33-1-221
Surplus line insurance provisions, nonapplicability, 33-2-317

INSURANCE POLICY LANGUAGE SIMPLIFICATION ACT, LIFE AND DISABILITY, 33-15-321 — 33-15-329

See **INSURANCE, Policies**, language simplification

INSURANCE PREMIUM FINANCE COMPANY ACT, Title 33, chapter 14

See **INSURANCE, Premium finance companies**

INSURANCE — PROPERTY

See also generally **INSURANCE; INSURANCE — CASUALTY; INSURANCE — MARINE**

Defined, 33-1-210
Defraud, damage or destruction to, 45-6-101
Discrimination prohibited, 33-18-210
Dividends, discrimination prohibited, 33-18-210
Fire insurance, See also **FIRES AND FIRE PROTECTION**
  bean storage license applicants, required when, 80-3-505
  indemnity, measure of and rescission for fraud, 33-24-101
  insurer, insolvency declared when, 33-2-1303
  premium tax, report requirements, 33-2-705
  rates, standards, 33-16-201
Guaranty association, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY**
Improvements, insuring — insurance equal to true value, 33-24-102
Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Insurable interests
  change of interest, 33-15-206
  named insured, interest, 33-15-206
  restrictions, 33-15-205
  transfer of interest, 33-15-206
  wagering or gaming, execution by — void, 33-15-207
  without interest, void, 33-15-207
Insurers, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
  agents, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
  contracts rescinded when, 33-24-101
  insolvency declared when, 33-2-1303
  personal property, loss computations, 33-24-103
  policies, fraud in obtaining — as defense to suit, 33-24-102
  reciprocal, See **INSURERS — RECIPROCAL**
Lenders, restrictions, 33-18-501
Personal property, loss computations, 33-24-103
Preferred rates, prohibited when, 33-18-207
Premiums — abatement, rebates, and reduction prohibited, 33-18-210
Rates
  fire insurance, standards, 33-16-201
  prohibited when, 33-18-207
Rebates prohibited, 33-18-210
Service of process provisions, exemption, 33-1-614
Surplus line insurance provisions, exemption when, 33-2-317

INSURANCE — SURETY

See **SURETYSHIP AND SURETIES**, generally

INSURANCE — SURPLUS LINE
- See also **INSURANCE**

Actions
- insurers, against, 33-2-314
- premium tax and penalty, recovery, 33-2-312

Agents
- affidavit required when, 33-2-302
  - falsification, 33-2-313
- annual statements, 33-2-310
  - failure to file, 33-2-312, 33-2-313
- authority, 33-2-306
- business from other agents, acceptance, 33-2-306
- certificate of insurance — issuance, delivery, and changes, 33-2-308
- contract endorsements, 33-2-303
- examination of, See **INSURANCE, COMMISSIONER OF, Examinations by**
- false certificate of insurance, penalty, 33-2-308
- fees, 33-2-305
- insurance to be procured from, 33-2-302
- insureds, failure to notify of policy changes, 33-2-308
- licenses
  - application, 33-2-305
    - fee, 33-2-708
  - authority under, 33-2-306
  - expiration, 33-2-305
  - fees, 33-2-305, 33-2-708
  - renewal fee, 33-2-708
  - surety bond requirements, 33-2-305
  - suspension or revocation
    - appeals from, 33-1-711
    - grounds for, 33-2-312, 33-2-313, 33-17-1001
    - procedures, 33-17-1001
- penalties, 33-2-308, 33-2-312, 33-2-313
- placement of insurance with solvent insurers, 33-2-307
- policies, delivery and issuance, 33-2-308
- premium tax
  - nonpayment, 33-2-312, 33-2-313
  - payment, 33-2-311
- records, 33-2-310
  - failure to keep, 33-2-313
- rules governing, 33-2-316
- surety bond requirements, 33-2-305
- violations, 33-2-308

Certificate of insurance
- issuance, delivery, and changes, 33-2-308
- records, 33-2-310

Citation of the Surplus Line Insurance Law, 33-2-301

Commissioner of Insurance, See **INSURANCE, COMMISSIONER OF**

Contracts
- actions arising from, 33-2-314
- endorsement, 33-2-303
- validity, 33-2-304

Designation, 33-2-302

Exemptions, 33-2-317

Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**

Insurers, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
- actions against, 33-2-314
- certificate of authority requirement, exception to, 33-2-102, 33-2-104, 33-2-119
- liability as to losses or unearned premiums, 33-2-309
- rules concerning, 33-2-316
- service of process, 33-2-315
  - unauthorized insurer provisions, exemption, 33-1-614
- solvent, placement of insurance with, 33-2-307

INSURANCE — SURPLUS LINE (Continued)

Licensing of agents, See **Agents**
Losses covered by, insurer's liability, 33-2-309
Policies, issuance and delivery, 33-2-308
Premium tax
  imposition, payment, and computation, 33-2-311
  nonpayment, 33-2-312, 33-2-313
Rules governing, 33-2-316
Sale of, conditions precedent to, 33-2-302
Service of process provisions, exemption, 33-1-614
Short title, 33-2-301
Surplus Line Insurance Law, citation, 33-2-301
Tax, See **Premium tax**
Unearned premiums, insurer's liability, 33-2-309
Validity, 33-2-304

INSURANCE — TITLE

See also **INSURANCE**

Commissioner, See **INSURANCE, COMMISSIONER OF**
Contract of insurance, applicability of provisions, 33-15-101
Debt adjustment by company, 31-3-203
Defined, 33-1-212
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insurers, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**
  agents, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
  assets, exclusions, 33-2-502
  delinquency proceedings, applicability, 33-2-1304, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  deposit requirements, 33-2-111
  guaranty fund, establishment and maintenance, 33-2-517, 33-25-101
  investments, 33-25-101
    special, 33-2-851
  policies, issuance, 33-25-103
  rates, filing, 33-25-102
  reciprocal, transaction by — prohibited, 33-5-501
  reserves for unearned premiums, 33-2-512, 33-2-517
  stock insurers, to be, 33-2-108
Policies, issuance based on title evidence, 33-25-103
"Premium" defined, 33-2-705, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Premium tax**
Reciprocal insurers, transaction by — prohibited, 33-5-501
Trust indenture, company as trustee for, 71-1-306, See **TRUST INDENTURES**, generally

INSURERS — DOMESTIC STOCK AND MUTUAL

See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**

Actions
  assessments, collection, 33-3-413
  equity securities, inside trading — recovery of profit, 33-3-442
Advertising, 33-3-502
Agency contracts, 33-3-309
Agents, 33-3-206, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**, generally
Appraisals when, 33-3-215
Articles of incorporation
  amendments, 33-3-203, 33-3-303
  approval, 33-3-202
  certification, 33-3-202
  contents, 33-3-201
  disapproval, 33-3-202

INSURERS — DOMESTIC STOCK AND MUTUAL (Continued)

Articles of incorporation (Continued)
- filing, 33-3-202
    - fees, 33-2-708

Assets
- deficiency, 33-3-412, 33-3-415, 33-3-432, 33-3-433
- impairment, See **Impairment of capital or assets**
- liquidation, member's share upon, 33-3-436
- maintenance, 33-3-401
- removal or concealment, unlawful when, 33-3-401

Board of directors, See **Directors, board of**

Bonds
- mutual insurers, requirements, 33-3-205
- officers, 33-3-307

Borrowed surplus, See **Surplus**

Branch offices, 33-3-401

Bulk reinsurance, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Reinsurance**

Bylaws
- copy required when, 33-2-115
- mutual insurers, 33-3-301
- stock insurers, 33-3-302

Capital, impairment, See **Impairment of capital or assets**

Certificates of authority, See also **INSURERS ORGANIZATION AN REGULATION GENERALLY, Certificates of authority**
- amendment when, 33-3-432
- ineligibility, effect, 33-3-202
- issuance, 33-3-207
- mutual insurers, failure to qualify, 33-3-208
- requirements, 33-3-204
- revocation or suspension when, 33-3-424, 33-3-502

Charters, corporate — extinguishment when, 33-3-104, 33-3-217, 33-3-218

Commissioner, See **INSURANCE, COMMISSIONER OF**

Consolidation, See **Merger or consolidation**

Contingent liability
- articles of incorporation, statement in, 33-3-201
- enforcement, 33-3-413
- extinguishment, 33-3-414
- levy of, 33-3-412, 33-3-413
- mutual members, 33-3-411
- policies without, 33-3-414
    - prohibited when, 33-3-415

Contracts, 33-3-309

Conversions
- mutual insurer to stock insurer, 33-2-1212, 33-3-216
- stock insurer to mutual insurer, 33-3-215

Corporate
- charters, extinguishment when, 33-3-104, 33-3-217, 33-3-218
- powers, cessation when, 33-3-208

Corporation statutes, applicability, 33-3-103

Definitions, 33-1-201, 33-3-102, 33-3-441, 33-3-502

Delinquency proceedings, See also **INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION**
- corporate charter, effect on, 33-3-104
- instituted when, 33-3-401, 33-3-432

Directors, board of
- assessments, levy, 33-3-412, 33-3-433
- bylaws, modification when, 33-3-302
- constitution, 33-3-201
- deficiency, liability for losses during, 33-3-434
- dividends, illegal — penalty, 33-3-424
- election, 33-3-305, 33-3-306
- equity securities, statement of ownership, 33-3-441

INSURERS — DOMESTIC STOCK AND MUTUAL (Continued)

Directors, board of (Continued)
  initial directors
    bylaws, adoption, 33-3-301
    term, 33-3-201
  insurance, solicitation for applications, 33-3-206
  meetings called by, 33-3-303
  merger or consolidation of insurer, consideration prohibited, 33-3-217
  number, 33-3-305
  pecuniary interest prohibited, 33-3-308
  policies, request for revocation of authority to issue, 33-3-415
  property, control of disposition, 33-3-310
  provisions generally, 33-3-301, 33-3-302
  term, 33-3-305
  vacancies, 33-3-303
Disbursements, vouchers for, 33-3-402
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Dividends
  illegal, penalty, 33-3-424
  lien on, when, 33-3-412
  policyholders, to, 33-3-423
  stockholders, to, 33-3-422
Equity securities, See also **Stock**
  arbitrage transactions, 33-3-445
  classification, 33-3-447
  defined, 33-3-441
  delivery after sale, time for, 33-3-443
  exemptions, 33-3-444 — 33-3-446
  holding by less than 100 persons, 33-3-446
  inside trading and profit therefrom, 33-3-442
  investment account, securities held in, 33-3-444
  market, primary or secondary, 33-3-444
  registered securities, 33-3-446
  short sales, 33-3-443
  statement of ownership, 33-3-441
Examination of, See **INSURANCE, COMMISSIONER OF, Examinations by**
Existence, duration, 33-3-201
Expenditures, vouchers for, 33-3-402
Filings
  articles of incorporation, 33-3-202
    amendments, 33-3-203
  bonds when, 33-3-205, 33-3-307
  bylaws, 33-3-301
  contracts, 33-3-309
  deficiencies not made good, proof thereof, 33-3-432
  equity securities, statement of ownership, 33-3-441
  fees, 33-2-708
  loans, statement of purpose and proposed agreement, 33-3-431
  merger or consolidation plans and agreements, 33-3-217, 33-3-218
  trust agreements, 33-3-207
Foreign stock corporation, merger or consolidation with, 33-3-217
Formation of mutual insurer, See also **Incorporation**
  bond required, 33-3-205
  deposit requirements, 33-3-205, 33-3-207
  failure to qualify, 33-3-208
  insurance, applications for, 33-3-206, See also **Insurance**
  policies, issuance, 33-3-207, See also **Insurance**
  premiums, trust deposit, 33-3-207, 33-3-208, See also **Insurance**
Fraternal benefit societies, conversion into mutual life insurer, 33-7-213
Funds
  bylaws, provisions within, 33-3-301
  officials, prohibited practices, 33-3-308
Guaranty association's indebtedness as investment for, 33-10-205

INSURERS — DOMESTIC STOCK AND MUTUAL (Continued)

- **Home office**, 33-3-401
- **Impairment of capital or assets**, 33-3-432
  - assessment to cure, 33-3-433
  - stock transfer during, 33-3-435
- **Incorporation**, See also **Formation of mutual insurer**
  - articles of, See **Articles of incorporation**
  - certificate of, 33-3-202
  - general provisions, 33-3-201
- **Incorporators**
  - articles of incorporation
    - execution, 33-3-201
    - filing procedures, 33-3-202
  - bond requirements, 33-3-205
  - qualifications, 33-3-201
- **Insolvency declared when**, 33-3-432
- **Insurance**
  - applications, solicitation, 33-3-205, 33-3-206
  - policies
    - cash surrender values, lien on, 33-3-412
    - classification, 33-3-421, 33-3-436
    - contingent liability, See **Contingent liability**
    - dividends, See **Dividends**
    - issuance, 33-3-207
      - revocation of authority for, 33-3-415
    - nonassessable, 33-3-414
      - prohibited when, 33-3-415
    - nonparticipating, 33-3-421
    - participating, 33-3-421
  - policyholders, See **Policyholders**
  - premiums, cash
    - collection, 33-3-206
    - refunded when, 33-3-206, 33-3-208
    - trust deposit, 33-3-207, 33-3-208
  - solicitation of business in other states, 33-3-502
  - transactions, kinds, 33-3-201, 33-3-204
- **Insurance, Commissioner of**, See **INSURANCE, COMMISSIONER OF**
- **Investments**, guaranty association's indebtedness as, 33-10-205
- **Liability**, See **Contingent liability**
- **Liquidation**, 33-3-436, See also **INSURERS SUPERVISION, REHABILITATION, AN LIQUIDATION**
- **Loans**, 33-3-431
- **Management contracts**, 33-3-309
- **Meetings**
  - bylaws, adoption, 33-3-301, 33-3-302
  - mutual insurer, merger or consolidation, 33-3-218
  - notice, See **Notices**
  - provisions generally, 33-3-301 — 33-3-303
  - stock insurers, conversion to mutual insurer, 33-3-216
- **Members**, See **Stockholders or members**
- **Merger or consolidation**
  - mutual insurers, 33-3-218
  - stock insurers, 33-3-217
- **Mutual insurer**
  - bylaws, 33-3-301
  - contingent liability of members, See **Contingent liability**
  - defined, 33-3-102
  - failure to qualify, 33-3-208
  - formation, See **Formation of mutual insurer**
  - membership in, 33-3-503
  - merger or consolidation, 33-3-218
  - nonassessable policies, See **Insurance**, policies
  - officers' bonds, 33-3-307

INSURERS — DOMESTIC STOCK AND MUTUAL (Continued)

Mutual insurer (Continued)
  stock insurers
    conversion of mutual to, 33-2-1212, 33-3-216
    mutualization of, 33-3-215
Name, 33-3-201
Nonassessable policies, See **Insurance**, policies
Notices
  amendments to articles of incorporation, 33-3-203
  assessments, 33-3-412, 33-3-413, 33-3-433
  bonds, cancellation, 33-3-307
  bylaws
    disapproval, 33-3-301
    modification of provisions prohibited, 33-3-302
  deficiencies, 33-3-432
  meetings, 33-3-203, 33-3-303
  mutual insurer
    conversion to stock insurer, 33-3-216
    merger or consolidation, 33-3-218
  proxy, revocation, 33-3-304
  stock insurer, mutualization, 33-3-215
Officers
  bond requirements, 33-3-307
  bylaws, provisions within, 33-3-301
  equity securities, statement of ownership, 33-3-441
  insurance, solicitation for applications, 33-3-206
  meetings, failure to attend, 33-3-303
  merger or consolidation of insurer, consideration prohibited, 33-3-217
  pecuniary interest prohibited, 33-3-308
  reports, 33-3-303
Offices, 33-3-401
Place of business, 33-3-401
Policies, See **Insurance**
Policyholders
  directors' election, participation in, 33-3-306
  dividends to, 33-3-423, See also **Dividends**
  mutual insurers
    conversion to stock insurer, 33-3-216
    merger or consolidation, 33-3-218
  officials becoming, 33-3-308
  rights and obligations, 33-3-503
  stock insurers
    merger or consolidation, 33-3-217
    mutualization, 33-3-215
Premiums, See **Insurance**
Professional liability insurers, See **INSURANCE — CASUALTY**
Property, 33-3-401
  disposition, 33-3-310
Proxies, See **Stockholders or members**
Reciprocal insurers, conversion to, 33-5-202, See also **INSURERS — RECIPROCAL**, generally
Records
  articles of incorporation and certification, 33-3-202
    amendments, 33-3-203
  removal or concealment unlawful when, 33-3-401
Regional home offices, 33-3-401
Rehabilitation or reorganization, mutualization of stock insurer under order for, 33-3-215, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Reinsurance, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Reinsurance**
Reserves
  insufficient, 33-3-415
  loss reserves, increase, 33-3-432

INSURERS — DOMESTIC STOCK AND MUTUAL (Continued)

- **Scope of provisions**, 33-3-101
- **Securities**, See **Equity securities**
- **Service of process**, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Service of process**
- **Solicitation of business in other states**, 33-3-502, See also **Insurance**
- **Stock**, See also **Equity securities**
  - deficiency, See **Impairment of capital or assets**
  - mutual insurer, conversion to stock insurer, 33-3-216
  - shares, authorization, 33-3-201
  - stock insurer
    - merger or consolidation, 33-3-217
    - mutualization, 33-3-215
  - transfer, 33-3-435
- **Stockholders or members**
  - assessment on members, 33-3-412, 33-3-413, 33-3-433
  - bylaws
    - modification, 33-3-302
    - powers regarding, 33-3-301
  - contingent liability, See **Contingent liability**
  - directors, election, 33-3-305
  - dividends, See **Dividends**
  - liquidation, share of assets, 33-3-436
  - meetings, See **Meetings**
  - mutual insurers
    - conversion to stock insurer, 33-3-216
    - merger or consolidation, 33-3-218
  - proxy, 33-3-301, 33-3-304
    - corrupt practices, 33-3-304
    - representation by, 33-3-203, 33-3-215, 33-3-216, 33-3-303
    - revocation when, 33-3-304
  - stock insurer
    - merger or consolidation, 33-3-217
    - mutualization, 33-3-215
  - transfers of stock, liability, 33-3-435
- **Stock insurer**
  - bylaws, 33-3-302
  - defined, 33-3-102
  - merger or consolidation, 33-3-217
  - mutualization, 33-3-215
  - mutuals, conversion to, 33-2-1212, 33-3-216
- **Surplus**
  - borrowed surplus, 33-3-431
  - deficiency, See **Impairment of capital or assets**
  - dividends paid from, 33-3-422, 33-3-423
  - mutual insurer, conversion to stock insurer, 33-3-216
  - requirements, 33-2-109, 33-3-204
  - stock insurer, mutualization, 33-3-215
- **Violations**
  - dividends, illegal — payment or declaration, 33-3-424
  - equity securities, sales when, 33-3-443
  - proxies, corrupt practices, 33-3-304
  - records or assets, removal or concealment, 33-3-401
- **Vouchers for expenditures**, 33-3-402

INSURERS — FARM MUTUAL

See also **INSURERS — DOMESTIC STOCK AND MUTUAL; INSURERS ORGANIZATION AND REGULATION GENERALLY**

- **Actions**
  - losses, collection, 33-4-415
  - member's obligations, collection, 33-4-413
  - sue and be sued, power to, 33-4-103

INSURERS — FARM MUTUAL (Continued)

Adjusters, 33-4-411
Agents, 33-4-103
    licenses and fees, 33-4-312
Annual meetings, See **Meetings**
Annual statements
    contents, 33-4-313
    exclusivity, 33-4-314
    filing, 33-4-313
        failure to file, 33-4-314, 33-4-505
    presentation, 33-4-305
    report to accompany, 33-4-313, 33-4-404, 33-4-505
Appeals, 33-4-411
Applicability of provisions, 33-4-101
Applications for insurance, 33-4-508
    forms, filing, 33-4-509
    qualification for certificate of authority, 33-4-206
Arbitration, 33-4-302, 33-4-411
Articles of incorporation
    amendment, 33-4-204
    approval, 33-4-203
    certified copies, 33-4-205
    contents, 33-4-202
    powers concerning, 33-4-103
    proposed, filing, 33-4-202
Assessment of members, 33-4-504
    manner of making and collecting, 33-4-302
    provision for, 33-4-412
Assessment plan insurers
    claims for losses, payment when, 33-4-412
    general provisions, 33-4-504
    proportionate payment of losses, 33-4-414
Board of directors, See **Directors, board of**
Bonds
    investment in, 33-4-403
    officers, requirements, 33-4-302, 33-4-311
Bylaws
    adoption, 33-4-301
    amendment, 33-4-301
    cash premium plan insurers, limitation on amount of assessment, 33-4-504
    contents, 33-4-302
    members
        binding upon, 33-4-303
        liability, provision for, 33-4-302, 33-4-402
        obligations or assessments, provision for, 33-4-302, 33-4-412
    powers concerning, 33-4-103
    reserves, limitations, 33-4-407
    safety fund, limitations, 33-4-407
    surplus, limitations, 33-4-407
Cash premium plans
    general provisions, 33-4-504
    liability of members, 33-4-402
    reserves, 33-4-406
Certificate of authority
    application, qualifications, 33-4-206
    expiration, 33-4-505
    fees, 33-4-505
    issuance, 33-4-505
    renewal, 33-4-505
    required, 33-4-203, 33-4-505
    suspension or revocation when, 33-4-314, 33-4-408, 33-4-505
Churches, insuring, 33-4-501, 33-4-511
Commissioner, See **INSURANCE, COMMISSIONER OF**

INSURERS — FARM MUTUAL (Continued)

Committee of reference, 33-4-411
Community houses, insuring, 33-4-501, 33-4-511
Corporate existence, commencement, 33-4-203
Corporate powers, general, 33-4-103
County mutual insurer
  certificate of authority, fees, 33-4-505, See also **Certificate of authority**
  defined, 33-4-102
  incorporators, eligible, 33-4-201
  qualifications, initial, 33-4-206
  surplus requirements, 33-4-401, See also **Surplus**
Deficiency of surplus, See **Surplus**
Definitions, 33-4-102, 33-4-502
Directors, board of
  business conducted by, 33-4-103
  election, 33-4-302, 33-4-309
  initial directors, 33-4-202
    bylaws, adoption, 33-4-301
  insuring schools, community houses, or churches — validity, 33-4-511
  investments, 33-4-403
  losses, liability for — when, 33-4-413
  management by, 33-4-308
  number, 33-4-202
  officers elected by, 33-4-310
  quorum, 33-4-308
  records, location and inspection, 33-4-316
  term, 33-4-302, 33-4-309
  vacancies, 33-4-302
Discriminatory practices prohibited, See **DISCRIMINATION**, generally
Dissolution, 33-4-103
Dividends, 33-4-407
Educational purposes, expenditures for, 33-4-404
  report, 33-4-313, 33-4-404, 33-4-505
Employees, licenses and fees, 33-4-312
Examinations and fee, 33-4-315
Existence
  commencement, 33-4-203
  duration, 33-4-202, 33-4-204
Expenditures, See **Educational purposes, expenditures for**
Fees
  certificate of authority, issuance and renewal, 33-4-505
  examination and investigation, 33-4-315
  filing, 33-4-202, 33-4-203
  prohibited when, 33-4-409
Filings
  annual statement, 33-4-313
    failure to file, 33-4-314
  articles of incorporation, 33-4-203
    amendments, 33-4-204
    proposed, 33-4-202
  educational purposes, expenditures for — report concerning, 33-4-313, 33-4-404
  fees, 33-4-202, 33-4-203
  forms, application and policy, 33-4-509
  incorporation, declaration of, 33-4-202
Formation, See **Articles of incorporation**; **Incorporation**; **Incorporators**
Hail insurers
  qualifications, initial, 33-4-206
  surplus requirements, 33-4-401
Incorporation
  articles of, See **Articles of incorporation**
  declaration of intention, 33-4-202
  evidence of, 33-4-205

INSURERS — FARM MUTUAL (Continued)

Incorporators
    articles of incorporation, filing, 33-4-203
    eligibility, 33-4-201
Insurance
    applications for, See **Applications for insurance**
    power to transact, 33-4-103
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insuring powers generally, 33-4-501
Investigations and fee, 33-4-315
Investments, 33-4-403
Limit of risk, 33-4-502
Loans, investment in, 33-4-403
Losses
    adjustment, 33-4-302, 33-4-410
    arbitration of claims, 33-4-411
    collection, action for, 33-4-415
    committee of reference, 33-4-411
    notice of, 33-4-410
    officials, liability, 33-4-413
    payment, 33-4-302
        assessment plan insurers, by, 33-4-412
        proportionate, 33-4-414
        safety fund for, 33-4-405
    proof, 33-4-302
Meetings
    amendment of articles of corporation, 33-4-204
    annual, 33-4-302, 33-4-304, 33-4-305
        adjourned, 33-4-306
    directors, election, 33-4-302
    investments, concerning, 33-4-403
    notice, 33-4-302, 33-4-306
    powers concerning, 33-4-103
    special, 33-4-302
Members
    assessments, See **Assessment of members**
    bylaws
        amendment or modification, 33-4-301
        approval, 33-4-301
        binding upon, 33-4-303
    cancellation by insurer, 33-4-507
    directors, election, 33-4-309
    liability, 33-4-302
        limitation, 33-4-402
    losses, See **Losses**
    meetings, See **Meetings**
    obligations, 33-4-412, 33-4-413
    policies, renewal refused when, 33-4-510
    premiums, collection, 33-4-504
    proxy, 33-4-302, 33-4-307
    qualifications, 33-4-506
    suspension and expulsion, 33-4-302
    voting rights, 33-4-307
    withdrawal, 33-4-507
Membership
    minimum, 33-4-506
    restrictions and limitations, 33-4-302
Montana Insurance Code, applicability, 33-1-102
Name, 33-4-103, 33-4-202, 33-4-203
Noncompliance with provisions, 33-4-505
Notices
    amendment of articles of incorporation, 33-4-204
    cancellation of member's policy, 33-4-507

INSURERS — FARM MUTUAL (Continued)

Notices (Continued)
    losses, 33-4-410
    meetings, 33-4-302, 33-4-306
Officers
    accounts, 33-4-302
    annual statement, preparation and filing, 33-4-313
    articles of incorporation, amendments signed by, 33-4-204
    bond requirements, 33-4-302, 33-4-311
    business conducted by, 33-4-103
    compensation, 33-4-302
    duties, 33-4-302
    election, 33-4-310
    insuring schools, community houses, and churches — validity, 33-4-511
    licenses and fees, 33-4-312
    losses, liability, 33-4-413
    records, location and inspection, 33-4-316
    reports, 33-4-302
    term, 33-4-310
Offices
    annual meetings held at, 33-4-304
    location, 33-4-202
    records, location, 33-4-316
Policies
    applications, form, 33-4-302
    forms, 33-4-302
        filing, 33-4-509
    renewal, refusal when, 33-4-510
Profits, 33-4-407
Property, power concerning, 33-4-103
Provisions applicable, 33-4-101
Proxy, See **Members**
Public buildings, rural — insuring, 33-4-501, 33-4-511
Qualifications for certificate of authority, 33-4-206
Rates, 33-4-510
Real estate loans, investment in, 33-4-403
Records
    articles of incorporation, 33-4-203
    inspection, 33-4-316
    location, 33-4-316
    required, 33-4-302
Reference, committee of, 33-4-411
Reinsurance, 33-4-503
Reports, 33-4-302, 33-4-313
Reserves
    loss reserve, 33-4-406
    unearned premiums, for, 33-4-406
    voluntary, 33-4-407
Risk, limit of, 33-4-502
Safety fund, 33-4-405, 33-4-407
Schools, insuring, 33-4-501, 33-4-511
Scope of provisions, 33-4-101
Seal, 33-4-103, 33-4-302
    annual statement, affixation, 33-4-313
State mutual insurer
    certificate of authority, fees, 33-4-505, See also **Certificate of authority**
    defined, 33-4-102
    incorporators, eligible, 33-4-201
    qualifications, initial, 33-4-206
    surplus requirements, 33-4-401, See also **Surplus**
Sue and be sued, power to, 33-4-103
Surplus
    deficiency, 33-4-408

INSURERS — FARM MUTUAL (Continued)

Surplus (Continued)
    defined, 33-4-102
    requirements, 33-4-206, 33-4-401, 33-4-407, 33-4-501
Taxes, 33-4-409
Violations, 33-4-505

INSURERS ORGANIZATION AND REGULATION GENERALLY

Accounts, examination, 33-1-401 — 33-1-403
Actions
    cease and desist orders, violation — recovery of penalty, 33-18-1005
    credit life or disability insurers, recovery of penalties from violations by, 33-21-113
    delinquency, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
    deposits, recovery of income from, 33-2-608
    enforcement, institution, 33-18-1005
    holding company systems, merger or acquisition of control — violations of provisions, 33-2-1106
    liquidation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
    premium tax for independently procured coverages, collection, 33-2-706
    prohibited practices, to enjoin and restrain, 33-18-1003
    rehabilitation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
    retaliatory, 33-2-709
    service of process, See **Service of process**
    unauthorized insurers
        against, 33-1-612 — 33-1-616, 33-2-314
        by, prohibited when, 33-2-105
Adjusters, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Administrators, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Admission for investment only, 33-2-103
Advertising, false or deceptive — prohibited, 33-18-202, 33-18-203, 33-22-814
Advisory board contracts as inducement, prohibited, 33-18-211
Advisory organizations, See **INSURANCE, Rating or advisory organizations**
Affiliation and merger, See **Holding company systems**
Agency company stock as inducement, prohibited, 33-18-211
Agents, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Alien insurers, See also **Foreign insurers**
    annual statement, 33-2-701, See also **Annual statements**, generally
    bulk reinsurance, See **Reinsurance**
    canadian insurers, 33-2-215
    conservation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
    defined, 33-1-201
    deposit requirements, See trusteed assets; See also **Deposits**
    disability policies, issuance requirements, 33-22-203, See also **INSURANCE — DISABILITY, Policies, individual**, generally
    domestic stock and mutual insurers, applicability of provisions, 33-3-101
    domicile, determination
        investment purposes, 33-2-852
        retaliatory purposes, 33-2-709
    examination of, See **INSURANCE, COMMISSIONER OF, Examinations by**
    impaired, See **INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH, Impaired insurers**
    life insurance, valuation of reserve liabilities, See **Reserves**
    liquidation and rehabilitation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
    policies issued by, See **INSURANCE, Policies**, generally

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

- **Alien insurers** (Continued)
  - professional liability insurers, 33-9-105, See also **INSURANCE — CASUALTY, Professional liability**
  - reciprocal, See **INSURERS — RECIPROCAL**
  - reinsurance, See **Reinsurance**
  - service of process, See **Service of process**
  - surplus funds required, See **Capital or surplus funds**, generally
  - surplus line coverages placed with, 33-2-306, 33-2-307
  - trust account, establishment when, 33-2-1206
  - trusteed assets
    - canadian insurers, applicability, 33-2-215
    - deposit requirements, 33-2-111, 33-2-202, See also **Deposits**, generally
      - purpose and duration, 33-2-204
      - withdrawal of assets for, 33-2-213
    - examination, 33-2-212
    - existing trusts, 33-2-203
    - records, 33-2-210
    - scope of provisions, 33-2-201
    - separateness, 33-2-210
    - title to, 33-2-209
    - trust agreement, 33-2-205
      - amendment, 33-2-207, 33-2-208
      - approval, 33-2-205, 33-2-208
      - execution, authority for, 33-2-206
      - withdrawal of assets, 33-2-213
    - trustee
      - statement of, 33-2-211
      - substitution, 33-2-214
      - title to assets vested in, 33-2-209
      - withdrawal of assets, 33-2-213
    - withdrawal, 33-2-213
- **Ancillary receivership**, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- **Annual statements**
  - benevolent associations, 33-6-304
  - certificate of authority, filing during suspension, 33-2-121
  - due date, 33-2-701
  - failure to file, 33-2-701, 33-2-1331
  - falsification, 33-2-701
  - farm mutual insurers, See **INSURERS — FARM MUTUAL**
  - filing fee, 33-2-708
    - payment, 33-2-701
  - form and context, 33-2-701
  - health service corporations, 33-30-107
  - investment limitations relative to, 33-2-802
  - joint underwriting associations, 33-22-815
  - professional liability insurers, 33-23-311
  - reciprocal insurers, 33-5-413
  - verification, 33-2-701
- **Appeals by**, See **INSURANCE, COMMISSIONER OF, Appeals**
- **Articles of incorporation**
  - filing, 33-2-115
    - fee, 33-2-708
  - violations, willful — effect, 33-2-1331
- **Assets**
  - "admitted assets" defined, 33-2-705
  - allowable, 33-2-501
  - deficiency, effect, 33-2-118
  - deposit, See **Deposits**
  - disposal, conveyance, or encumbrance prohibited when, 33-2-1321
  - examination, 33-1-401, 33-1-403
  - exclusions, 33-2-502, 33-2-1113

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Assets (Continued)
  "general assets" defined, 33-2-1303
  impairment, hearings concerning, 33-1-702
  invested, See **Investments**, generally
  liabilities, See also **Liabilities**
    chargeable against, 33-2-511
    deduction from, 33-2-503
  liquidation proceedings, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  permissible, 33-2-501
  rehabilitation proceedings, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  reinsurance, credit as asset — when, 33-2-1205
  subsidiaries, ownership and management, 33-2-1102
  treatment, 33-2-503
  trusteed, See **Alien insurers**
Authority
  admission for investment only, 33-2-103
  capital or surplus required, 33-2-109, 33-2-110
  certificate of, See **Certificates of authority**
  deposit requirements, See **Deposits**
  discontinued when, 33-2-112
  guaranty associations, condition of, 33-10-103, 33-10-203
  insuring powers, combinations, 33-2-108
  names, conflict, 33-2-107
  qualification for, generally, 33-2-106
  withheld when, 33-2-112
"Authorized insurer" defined, 33-1-201
Automobile clubs, See **MOTOR CLUB SERVICE COMPANIES**
Benefits, See **INSURANCE**
Benevolent associations, See **BENEVOLENT ASSOCIATIONS**
Bonds
  interest as asset when, 33-2-501
  investment in, See **Investments**
  merger or acquisition of control, for expenses regarding statements and other filings, 33-2-1105
  valuation, 33-2-532
Boycott prohibited, 33-18-303
Bulk reinsurance, See **Reinsurance**
Bylaws
  filing, 33-2-115
    fee, 33-2-708
  policy provisions, prohibited within — when, 33-15-305
  violations, willful — effect, 33-2-1331
Capital or surplus funds
  domestic stock and mutual insurers, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
  farm mutual insurers, See **INSURERS — FARM MUTUAL, Surplus**
  reciprocal insurers, See **INSURERS — RECIPROCAL, Surplus funds**
  requirements, 33-2-109
  special surplus required, 33-2-110
Capital stock, See **Stock**
Cash
  assets, allowed as — when, 33-2-501
  deposits, See **Deposits**, generally
Cease and desist orders, 33-18-1004
  violation, penalty, 33-18-1005
Certificates of authority
  amendment, 33-2-117
  application, 33-2-115, 33-2-117
    action upon, 33-2-116

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Certificates of authority (Continued)
  application (Continued)
    examination of insurer required, 33-1-401
    filing fee, 33-2-708
  continuation, 33-2-117
    fee, 33-2-708
      nonacceptance when, 33-2-701
      payment due when, 33-2-117
  domestic stock and mutual insurers, See **INSURERS — DOMESTIC STOCK AN MUTUAL**
  eligibility, 33-2-106
  exceptions to requirements, 33-2-102, 33-2-104
  expiration, 33-2-117
    return of certificate upon, 33-2-116
    suspension period, 33-2-121
  farm mutual insurers, See **INSURERS — FARM MUTUAL**
  filing fees, 33-2-708
  foreign insurers, not required when, 33-2-103
  issuance, 33-2-116, 33-5-502, 33-9-104
  lack of, effect, 33-2-1379
  limitations, 33-2-116
  professional liability insurers, 33-9-104
  reciprocal insurers, See **INSURERS — RECIPROCAL**
  refusal, 33-2-116
  reinstatement, 33-2-117
    fee, 33-2-708
      payment, 33-2-117
    suspension, following, 33-2-121
  required, 33-2-101
  service of process, designation of person to whom served — filing, 33-1-601
  specification of kinds of insurance, 33-2-116
  state property, as, 33-2-116
  suspension or revocation
    alien insurers, 33-2-211, 33-2-1379
    annual statement, failure to file, 33-2-701
    appeals from, 33-1-711
    credit life and disability insurers, when, 33-21-113
    delinquency proceedings or investigations, obstruction or interference, 33-2-1310
    deposit deficiency, for, 33-2-611
    domestic stock and mutual insurers, when, 33-3-424, 33-3-502
    duration of suspension, 33-2-121
    effect, 33-2-1379
    examinations, hindrance, 33-1-411
    fees, payment during suspension, 33-2-121
    foreign insurers, 33-2-1379
    grounds, special, 33-2-119
    guaranty association assessments or plans of operation, nonpayment ar noncompliance, 33-10-109, 33-10-228
    hearings, 33-1-411, 33-2-119
    holding company system violations, 33-2-1122
    information and privacy protection violations, 33-19-405
    investments, for failure to dispose of, 33-2-843
    mandatory when, 33-2-118
    notice, 33-1-411, 33-2-118, 33-2-120, 33-2-1122
    premium tax, for nonpayment, 33-2-705
    rating or advisory organization violations, for, 33-16-111, 33-16-112
    records, for destruction of, 33-1-411
    return of certificate upon, 33-2-116
    violations, for, 33-2-119
  termination, 33-2-116, 33-2-117
  unauthorized insurers, procurement, 33-1-615, See also **Unauthorized insurers**

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Claims, See **Losses and claims**; See also **INSURANCE; INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Coercion prohibited, 33-18-303
Commissioner, See **INSURANCE, COMMISSIONER OF**
Competition
  encouraged, 33-16-101
  unfair, prohibited, See **Prohibited practices**
Complaints
  lenders, concerning, 33-18-501
  records regarding, 33-18-1001
Conflict of laws, 33-2-1124
Conservation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Consolidation, See **Holding company systems**, generally
Consultants, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Consumer loan businesses, limitations, 32-5-306
Corporation law inapplicable, 35-1-107, 35-1-1006, See also **Incorporation**
County mutual insurers, See **INSURERS — FARM MUTUAL**
Credit life and disability, See **INSURANCE — LIFE, Credit life and disability**
Criminal mischief, purpose to defraud, 45-6-101
Damage or destruction of property to defraud, 45-6-101
Deceptive practices, See **Prohibited practices**
Defamation of, prohibited, 33-18-302
Definitions
  alien insurer, 33-1-201
  authorized insurer, 33-1-201
  county mutual insurer, 33-4-102, See **INSURERS — FARM MUTUAL**
  delinquency proceeding, 33-2-1303, See **INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION**
  domestic insurer, 33-1-201
  foreign insurer, 33-1-201
  guaranty association, 33-2-1303, 33-10-102, 33-10-202, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**; See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  insolvency or insolvent, 33-2-1303, 33-10-102, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH; INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  insurance holding company system, 33-2-1101
  insurer, 33-1-201, 33-2-1101, 33-2-1303, 33-15-323, 33-22-802
  reciprocal insurer, 33-5-102, See **INSURERS — RECIPROCAL**
  state mutual insurer, 33-4-102, See **INSURERS — FARM MUTUAL**
  unauthorized insurer, 33-1-201, 33-19-104
Defrauding, damage or destruction of property, 45-6-101
Delinquency proceedings, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Depositary or custodian of deposits, See **Deposits**
Deposits
  amount required, 33-2-111
  appraisal, 33-2-607
  assets
    as, when, 33-2-501, 33-2-531, 33-2-603
    trusteed, See **Alien insurers**, trusteed assets
  assignment, 33-2-606, 33-2-612
  authorized, 33-2-601
  certificate required when, 33-2-115
  claims secured by, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Claims**
  conveyance, 33-2-606, 33-2-612

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

- **Deposits** (Continued)
  - deficiency, 33-2-611
  - depositary or custodian, 33-2-604
    - liability, 33-2-605
  - domestic mutual insurers, 33-3-204
  - duration, 33-2-612
  - excess, 33-2-609
  - exchange, 33-2-608, 33-2-609
  - income from, 33-2-608
  - inspection, 33-2-608
  - levy upon, 33-2-610
  - loans as part of, 33-2-531
  - purpose, 33-2-602
  - records, 33-2-605
  - release, 33-2-606, 33-2-609, 33-2-612
  - requirements, 33-2-111, 33-2-601, 33-2-602
  - reserves, 33-2-111
    - domestic life insurers, 33-2-531, 33-2-601 — 33-2-603, 33-2-612
  - retaliatory
    - duration, 33-2-612
    - foreign insurers, 33-2-603
    - generally, 33-2-709
    - levy upon, allowed when, 33-2-610
    - purpose held for, 33-2-602
  - rights of insurer
    - insolvency, during, 33-2-609
    - solvency, during, 33-2-608, 33-2-609
  - securities, 33-2-531
    - eligible for, 33-2-603
    - out-of-state deposit allowed when, 33-2-604, 33-2-612
  - substitutions, 33-2-608, 33-2-609
  - trusteed assets, See **Alien insurers**, trusteed assets
- **Destruction or damage of property to defraud**, 45-6-101
- **Development credit corporation**, membership in, 32-4-208, 32-4-302, See also **DEVELOPMENT CREDIT CORPORATIONS**, **Membership**
- **Discrimination**
  - exceptions when, 33-18-209
  - unfair, prohibited, 33-18-206, 33-18-210
- **Discriminatory practices prohibited**, See **DISCRIMINATION**, generally
- **Dissolution**, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- **Domestic stock and mutual insurers**, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
- **Electronic data processing equipment**, 33-2-501
- **Eligibility generally**, 33-2-106
- **Equipment**, 33-2-501, 33-2-502
  - trust certificates, investment in, 33-2-823
- **Examination of**, See **INSURANCE, COMMISSIONER OF, Examinations by**
- **Farm mutual**, See **INSURERS — FARM MUTUAL**
- **Federal housing administrator**
  - loans insured by, 32-1-434
  - obligations, investment, 33-2-833
- **Fees**
  - certificate of authority
    - application, to accompany, 33-2-115
    - suspension, payment during, 33-2-121
  - deposit, 33-2-708
  - enumeration, 33-2-708
  - health service corporations, 33-30-204
  - overpayment, refund, 33-2-708
  - retaliatory, 33-2-709

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Fees (Continued)
- service of process, 33-1-603, 33-1-613
- state, preemption, 33-2-707

Filings
- annual statements, 33-2-121, 33-2-701
  - failure to, 33-2-1331
- blanket disability forms, 33-22-602
- certificate of authority
  - applications, 33-2-115, 33-2-117
  - fee, 33-2-708
- credit life and disability insurers, 33-21-205, 33-21-206
- domestic stock and mutual insurers, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
- farm mutual insurers, See **INSURERS — FARM MUTUAL**
- fees, enumeration, 33-2-708
- forms, 33-1-501, 33-1-502, 33-21-205, 33-22-812, 33-30-301
- gross underwriting reports on wet marine, inland marine, and transportation insurance, 33-2-705
- health service corporations, 33-30-301
- holding company systems
  - disclaimer of affiliation, 33-2-1112
  - merger or acquisition of control, statement regarding, 33-2-1104, 33-2-1105
  - registration statements, 33-2-1111, 33-2-1112
- independently procured coverages, report concerning, 33-2-706
- joint underwriting associations, 33-22-805, 33-22-812
- life insurers, election for compliance with valuation of reserve liability provisions, 33-2-524
- loans as part of reserve deposits, statement regarding, 33-2-531
- premium reports, 33-2-705
- product liability insurers, reports, 33-2-721
- reciprocal insurers, See **INSURERS — RECIPROCAL**
- reinsurance, bulk — agreements, 33-2-1211, 33-2-1212
- reserve deposits, loans as part of — statement regarding, 33-2-531
- trusteed assets
  - statement concerning, 33-2-211
  - trust agreements, 33-2-205
    - amendments, 33-2-207

Financial condition
- accounts, examination, 33-1-401 — 33-1-403
- annual statements, See **Annual statements**
- assets, See **Assets**
- examination of, See **INSURANCE, COMMISSIONER OF, Examinations by**
- false statements prohibited, 33-18-302
- hearings concerning, 33-1-702
- holding company systems
  - examination to ascertain, 33-2-1115
  - registration of insurer, 33-2-1111
- liabilities, See **Liabilities**
- mergers or acquisition of control, acquiring party, 33-2-1104
- misrepresentation prohibited, 33-18-202, 33-18-302
- reserves, See **Reserves**
- statements
  - copy required when, 33-2-115
  - failure to file, 33-2-1331
  - false, filing or publishing — prohibited, 33-18-205
  - filing fee, 33-2-708
- unsound
  - effect, 33-2-119, 33-2-1331, 33-2-1341
  - surplus lines not to be placed with, 33-2-307

Fines
- annual statements, falsification, 33-2-701
- general, 33-1-104, 33-1-317

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Fines (Continued)
  holding company system violations, 33-2-1120
  retaliatory, 33-2-709
Fire department relief associations, payments to, See **Premium tax**
Fixtures and furniture, 33-2-502
Foreign insurers, See also **Alien insurers**
  admission for investment only, 33-2-103
  articles of incorporation, copy required when, 33-2-115
  authority, eligibility for, 33-2-106
  bulk reinsurance, See **Reinsurance**
  charter, corporate — copy required when, 33-2-115
  conservation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  defined, 33-1-201
  deposits, See also **Deposits**
    requirement, 33-2-111, 33-2-115
    retaliatory, 33-2-603
  disability policies, issuance requirements, 33-22-203, See also **INSURANCE — DISABILITY, Policies, individual**, generally
  domestic stock and mutual insurers, applicability of provisions, 33-3-101
  examination of, See **INSURANCE, COMMISSIONER OF, Examinations by**
  filing fees, 33-2-708, See also **Fees**, generally
  impaired, See **INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH, Impaired insurers**
  investments, 33-2-852, See also **Investments**, generally
    admission for, 33-2-103
  life insurance, valuation of reserve liabilities, See **Reserves**
  policies issued by, See **INSURANCE, Policies**, generally
  professional liability insurers, 33-9-105, See also **INSURANCE — CASUALTY, Professional liability**
  reciprocal, See **INSURERS — RECIPROCAL**
  reinsurance, See **Reinsurance**
  reserve requirements, 33-2-106
  service of process, See **Service of process**
  surplus funds required, See **Capital or surplus funds**, generally
  surplus line coverages placed with, 33-2-306
  trust account, establishment when, 33-2-1206
Forms — filing, approval, or disapproval, 33-1-501, 33-1-502, 33-21-205, 33-22-602, 33-22-812, 33-30-301
Fraternal benefit societies, See **FRATERNAL BENEFIT SOCIETIES**
Furniture and fixtures, 33-2-502
Guaranty associations, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**; See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Hearings concerning, See **INSURANCE, COMMISSIONER OF**
Holding company systems
  affiliates
    authorized insurer, registration by — when, 33-2-1111
    consolidated registration statements, 33-2-1111
    defined, 33-2-1101
    disclaimer of affiliation, 33-2-1112
    examination when, 33-2-1115, 33-2-1116
    transactions with, standards, 33-2-1113
  appeals, 33-2-1123
  confidentiality of information when, 33-2-1116
  conflict with other laws, 33-2-1124
  criminal proceedings instituted when, 33-2-1120
  definitions, 33-2-1101, 33-2-1114
  disclaimer of affiliation, 33-2-1112
  discovery proceedings, 33-2-1105

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Holding company systems (Continued)
- disposal
  - investments in subsidiaries, when, 33-2-1103
  - property or securities acquired under, 33-2-842
- dividends and other distributions
  - approval, 33-2-1114
  - reporting, 33-2-1111
- examinations
  - insurer, 33-2-1115, 33-2-1116
  - promoters, See **INSURANCE, COMMISSIONER OF, Examinations by**
- hearings, 33-2-1105
- injunction, 33-2-1118, 33-2-1119
- insurers
  - affiliated insurer, registration on behalf of, 33-2-1111
  - defined, 33-2-1101
  - examination, 33-2-1115, 33-2-1116
  - license revocation, suspension, or nonrenewal when, 33-2-1122
  - receivership, property placed in — when, 33-2-1121, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  - registration, See registration of insurers
  - subsidiaries
    - investments in, 33-2-1103
    - organization or acquisition, 33-2-1102
- judicial review, 33-2-1123
- liquidation of insurer, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- mandamus, writ of, 33-2-1123
- merger or acquisition of control
  - approval, 33-2-1105
    - lack of, 33-2-1106, 33-2-1331
  - bond required when, 33-2-1105
  - exemptions to provisions, 33-2-1106
  - filing requisites, 33-2-1104, 33-2-1106
  - hearings, 33-2-1105
  - rehabilitation, for, 33-2-1333
  - supervision of insurer, prohibited during, 33-2-1321
  - violations, 33-2-1106
- receivership, property of insurer placed in — when, 33-2-1121
- registration of insurers
  - confidentiality of information when, 33-2-1116
  - disclaimer of affiliation, 33-2-1112
  - exemptions, 33-2-1112
  - requisites, 33-2-1111
  - statement, 33-2-1111, 33-2-1112
  - termination, 33-2-1111
- rehabilitation of insurer, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- restrictions, 33-18-304
- rules and orders, 33-2-1104, 33-2-1106, 33-2-1111, 33-2-1112, 33-2-1117
  - appeals from, 33-2-1123
  - injunction, 33-2-1118, 33-2-1119
- securityholders
  - defined, 33-2-1101
  - hearings, notice, 33-2-1105
- sequestration of voting securities when, 33-2-1119
- service of process, 33-2-1106
- subsidiaries
  - authorization, 33-2-1102
  - defined, 33-2-1101
  - investments in, authority and restrictions, 33-2-1103
- violations, 33-2-1106, 33-2-1112
  - criminal proceedings, 33-2-1120
  - injunction, 33-2-1118

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Holding company systems (Continued)
  voting security
    acquisition prohibited, 33-2-1119
    defined, 33-2-1101
    merger provisions, exemption when, 33-2-1106
    sequestration when, 33-2-1119
Impairment, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**, generally; See also **INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
Incorporation
  admission for investment only, 33-2-103
  articles of, See **Articles of incorporation**
  authority, See **Authority**
  bylaws, See **Bylaws**
  capital or surplus funds, See **Capital or surplus funds**
  certificates of authority, See **Certificates of authority**
  corporation law inapplicable, 35-1-107, 35-1-1006
  deposits, See **Deposits**
  insuring powers, combinations, 33-2-108
  names, conflict, 33-2-107
Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Injunctions, 33-2-1118, 33-2-1119, 33-18-1003, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Insolvency, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**; See also **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insurance Information and Privacy Protection Act, Title 33, chapter 19, See **INSURANCE, Information and privacy protection**
Insurance Premium Finance Company Act, Title 33, chapter 14, See **INSURANCE, Premium finance companies**
"Insurer" defined, 33-1-201, 33-2-1101, 33-2-1303, 33-22-802
Insurers Supervision, Rehabilitation, and Liquidation Act, Title 33, chapter 2, part 13, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Insuring powers, combinations, 33-2-108
Interinsurers, See **INSURERS — RECIPROCAL**, generally
Interlocking ownership, restrictions, 33-18-304
Intimidation prohibited, 33-18-303
Investigations, See **INSURANCE, COMMISSIONER OF**
Investments
  admission of insurer for investment only, 33-2-103
  appraisal required when, 33-2-830, 33-2-831
  assets
    allowed as, when, 33-2-501
    exclusions, 33-2-502, 33-2-843
    limitations, 33-2-806
  authorization, 33-2-805
  bonds
    corporate, 33-2-818
    federal or canadian government, 33-2-811 — 33-2-813
    improvement district, 33-2-814
    irrigation district, 33-2-815
    local government, 33-2-812
    mortgages, secured by, 33-2-830
    revenue, 33-2-813
  broker-dealer, exclusion as, 30-10-103
  chattel mortgages, 33-2-534, 33-2-831
  collateral loans, 33-2-826
  corporate bonds and debentures, 33-2-818
  definitions applicable to, 33-2-818, 33-2-819, 33-2-822, 33-2-830, 33-2-831

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Investments (Continued)
  disposal, time limit and extension
    failure to, penalty, 33-2-843
    ineligible property and securities, 33-2-842
    real estate, 33-2-841
    subsidiaries, 33-2-1103
  diversification, 33-2-806
  eligibility, 33-2-802
  equipment trust certificates, 33-2-823
  farm mutual insurers, by, 33-4-403
  federal housing administrator obligations, 33-2-833
  federal obligations, 33-2-816, 33-2-833
  foreign
    insurers, 33-2-852
    securities, 33-2-828
  government obligations, in, 33-2-811, 33-2-812
  improvement district obligations, 33-2-814
  international bank obligations, 33-2-817
  investment trust securities, 33-2-824
  irrigation district obligations, 33-2-815
  lien as security for, 33-2-831
  limitations, 33-2-802, 33-2-806
  loans
    authorization, 33-2-805
    collateral, 33-2-826
    discriminatory practices prohibited, 49-2-306, See generally **DISCRIMINATION**
    guaranteed, 33-2-811
    mortgage, 33-2-830
    policy, 33-2-825
  miscellaneous, 33-2-829
  mortgages
    chattel, 33-2-534, 33-2-831
    national association, 33-2-816, 33-2-833
    purchase money, 33-2-830
    real estate, 33-2-830
  national mortgage association obligations, 33-2-816, 33-2-833
  obligations
    federal agencies, 33-2-816, 33-2-833
    federal housing administrator, 33-2-833
    government, 33-2-811
    improvement district, 33-2-814
    international bank, 33-2-817
    irrigation district, 33-2-815
    national mortgage association, 33-2-816, 33-2-833
  policy loans, 33-2-825
  prohibited, 33-2-804
  purchase money mortgages, 33-2-830
  qualifications generally, 33-2-803
  real estate, 33-2-832
    disposal, time limit and extension, 33-2-841
    mortgages, 33-2-830
  records, 33-2-829
  revenue bonds, 33-2-813
  savings and loan accounts, 33-2-827
  scope of provisions, 33-2-801
  securities
    foreign, 33-2-828
    ineligible, disposal, 33-2-842
    investment trust, 33-2-824
  stock
    common, 33-2-820
    insurance, 33-2-821

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Investments (Continued)
    stock (Continued)
        limitations, 33-2-806
        preferred or guaranteed, 33-2-819
        subsidiaries, of, 33-2-822, 33-2-1103
    subsidiaries, in, 33-2-1102, 33-2-1103, 33-2-1113, See also **Holding company systems**
    supervision of insurer, prohibited during, 33-2-1321
    title insurers, special, 33-2-851, 33-25-101
    trust securities, investment, 33-2-824
    underwriting prohibited, 33-2-804
Joint reinsurance or reinsurers, See **INSURANCE, Rating or advisory organizations**
Joint underwriting associations, See **INSURANCE, Rating or advisory organizations; INSURANCE — DISABILITY, Extended health insurance for older persons; INSURERS — RECIPROCAL**
Judgments
    failure to pay, 33-2-119, 33-2-1331
    levy upon deposits prohibited, 33-2-610
Lenders, restrictions, 33-18-501
Liabilities
    assets, See also **Assets**
        chargeable against, 33-2-511
        deduction from, 33-2-503
    defined, 33-2-1303
    reinsurance, credit as deduction — when, 33-2-1205
    reserve, See **Reserves**
Licenses, See also **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
    certificate of authority, payment during suspension, 33-2-121
    fees, enumeration, 33-2-708
    retaliatory, 33-2-709
    state, preemption, 33-2-707
Liens, examination expenses as, 33-1-413, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Life and Disability Insurance Policy Language Simplification Act, 33-15-321 — 33-15-329, See **INSURANCE, Policies**, language simplification
Life insurers, See **INSURANCE — LIFE**
Limit of risk, See **Reinsurance**
Liquidation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Loans
    assets, as, 33-2-501
    deposits, as part of, 33-2-531, See also **Deposits**
    discriminatory practices prohibited, 49-2-306, See generally **DISCRIMINATION**
    federal housing administrator, insured by, 32-1-434
    investment, See **Investments**
    supervision of insurer, prohibited during, 33-2-1321
Losses and claims
    assets, availability for, 33-2-501
    liquidation proceedings, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Claims**
    product liability insurers, reports regarding claims, 33-2-721
    refusal to pay claims, effect, 33-2-119
    rehabilitation proceedings, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Claims**
    reserves for, See **Reserves**
    settlements, unfair, 33-18-201
    unfair practices, 33-18-201
    unpaid, amount required for — as liability, 33-2-511
    workers' compensation claims, reserves for, See **Reserves**
Management qualifications and affiliations, 33-2-112, 33-18-304
Managers, examination of, See **INSURANCE, COMMISSIONER OF, Examinations by**

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Merger, See **Holding company systems**
Montana Insurance Code, particular provisions prevail, 33-1-103
Mortgages
- claims secured by, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Claims**
- deposit, security interest as, 33-2-531
- investment, See **Investments**
- personal property acquired by, valuation, 33-2-534
- purchase money
  - investment in, 33-2-830, See also **Investments**
  - valuation, 33-2-535

Mortuaries, prohibited relationships with, 33-18-301
Motor club service companies, See **MOTOR CLUB SERVICE COMPANIES**
Motor vehicle liability insurance, for, See **MOTOR VEHICLE FINANCIAL RESPONSIBILITY, Insurance carriers**
Mutual insurers, See **INSURERS — DOMESTIC STOCK AND MUTUAL; INSURERS — FARM MUTUAL**
Names, conflict, 33-2-107
Obligations
- failure to pay, 33-2-1331
- incurring prohibited when, 33-2-1321

Organization, See **Incorporation**
Penalties
- cease and desist orders, violation of, 33-18-1005
- financial statements, false — filing or publishing, 33-18-205
- general, 33-1-104, 33-1-317
- investments, failure to dispose of, 33-2-843
- mortuaries, prohibited relationships with, 33-18-301
- orders of commissioner, violation, 33-21-113
- political contributions, 33-18-305
- records, false entries, 33-18-205
- reports, false entries, 33-18-205
- retaliatory, 33-2-709

Police officers' retirement, payments to, See **Premium tax**
Policies generally, See **INSURANCE**
Policy Language Simplification Act, Life and Disability, 33-15-321 — 33-15-329, See **INSURANCE, Policies**, language simplification
Political contributions prohibited, 33-18-305
Powers, insuring — combinations, 33-2-108
Preferred rates prohibited, 33-18-207, See also **INSURANCE, Rates and rating plans**
Premium Finance Company Act, Title 33, chapter 14, See **INSURANCE, Premium finance companies**
Premiums, See also **INSURANCE**
- assets, as — when, 33-2-501
- life insurance, standard valuation of reserve liabilities, See **Reserves**
- liquidation proceedings, recovery of premiums owed, 33-2-1362
- product liability insurers, reports, 33-2-721
- reports regarding, 33-2-705, 33-2-706
- unearned, reserves for, See **Reserves**

Premium tax, See also **TAXATION, Insurance**
- certificate of authority, payment during suspension, 33-2-121
- computation, 33-2-705
- fire department relief associations, payments to, 19-11-512, 19-11-513, 19-11-606
- firefighters' unified retirement system, contribution to, 19-13-604
- fire insurance, 33-2-705
- fire marshal bureau, funding through, 50-3-109
- gross underwriting profit on wet marine, inland marine, and transportation insurance, 33-2-705
- health service corporations, exemption, 33-30-203
- independently procured coverages, 33-2-706
- liability, as, 33-2-511
- offsets, certificates of contribution as, 33-10-230

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Premium tax (Continued)
  police officers' retirement, payments to, 19-9-702, 19-9-1007, 19-10-305, 19-10-506
  surplus line insurance, 33-2-311 — 33-2-313
  unauthorized insurers, 33-2-706
  volunteer firefighters' compensation fund, payments to, 19-12-301
Product liability insurers, reports, 33-2-721
  availability, 33-2-722
  liability of insurer, 33-2-723
Professional liability, See **INSURANCE — CASUALTY, Professional liability**
Prohibited practices
  advertising, false or deceptive, 33-18-202, 33-18-203, 33-22-814
  advisory board contracts as inducement, 33-18-211
  advisory organizations, 33-16-308
  agency company stock as inducement, 33-18-211
  agents
    false applications, claims, and proofs of loss, 33-18-401
    lenders, favoritism, 33-18-501
  boycott, 33-18-303
  cease and desist orders, 33-18-1004, 33-18-1005
  charges for insurance, improper, 33-18-212
  claim settlements, 33-18-201
  coercion, 33-18-303
  deceptive practices, 33-18-101, 33-18-102
  defamation of insurer, 33-18-302
  discrimination
    exceptions, 33-18-209
    unfair, 33-18-206, 33-18-210
  examination to determine, 33-18-1001
  false applications, claims, and proofs of loss, 33-18-401
  financial statements, false — filing or publishing, 33-18-205
  guaranty association protection, use in sale of insurance, 33-10-210
  health service corporations, by, 33-30-305
  hearings, 33-18-1003, 33-18-1004
  injunction to restrain, 33-18-1003
  interlocking ownership when, 33-18-304
  intimidation, 33-18-303
  joint underwriters or reinsurers, 33-16-307
  joint underwriting associations, 33-22-814
  lenders, restrictions, 33-18-501
  mortuaries, relationships with, 33-18-301
  name of insurer, deceptive similarity, 33-2-107
  policies
    advertising, false or deceptive, 33-18-202
    misrepresentation, 33-18-202, 33-18-204
    twisting, 33-18-204
  political contributions, 33-18-305
  preferred rates to fictitious groups, 33-18-207
  premiums, illegal dealing in, 33-18-212
  purpose of provisions, 33-18-101
  rebates, 33-18-208, 33-18-210
    exceptions, 33-18-209
  records, false entries, 33-18-205
  reports, false entries, 33-18-205
  solicitors — false applications, claims, and proofs of loss, 33-18-401
  undefined, procedure for determining and restraining, 33-18-1003
  unfair methods, 33-18-101, 33-18-102
Promoters, examination of, See **INSURANCE, COMMISSIONER OF, Examinations by**
Property
  assets, as — when, 33-2-501
    exclusions, 33-2-502
  certificate of authority as state property, 33-2-116
  investments in real estate, See **Investments**

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Property (Continued)
  liquidation proceedings, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Property**
  mortgages, See **Mortgages**
  rehabilitation proceedings, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Property**
  security interest as deposit, 33-2-531
  taxation, See **Taxation**
  valuation, 33-2-534
Purchase of insurer, See **Holding company systems**, generally
Rates and rating plans, See **INSURANCE**
Rating or advisory organizations, See **INSURANCE, Rating or advisory organizations**
Rating organizations, See **INSURANCE, Rating or advisory organizations**
Real estate, See **Investments**; See also **Property**, generally
Rebates prohibited, 33-18-208, 33-18-210
  exceptions, 33-18-209
Receivership, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Reciprocal, See **INSURERS — RECIPROCAL**
Records
  complaints, of, 33-18-1001
  deposits, 33-2-605
  destruction, penalty, 33-1-411
  examination, 33-1-401 — 33-1-403
  false entries, 33-18-205
  investments, miscellaneous, 33-2-829
  liquidation and rehabilitation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  trusteed assets, 33-2-210
Rehabilitation, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Reinsurance, See also **INSURANCE, Rating or advisory organizations**
  assets, as, 33-2-501, 33-2-1205
  bulk reinsurance
    foreign or alien insurers, 33-2-1206
    mutual insurers, 33-2-1212
    stock insurers, 33-2-1211
  certificate of authority
    requirement, exception to, 33-2-102
    suspension or revocation when, 33-2-119
  consent for, lack of — effect, 33-2-1331
  credit as asset, 33-2-1205
  definitions, 33-2-1201
  deposits, 33-2-612
  farm mutual insurers, 33-4-503
  fraternal benefit societies, 33-7-517
  guaranty associations, 33-10-219, 33-10-220
  holding company systems, registration of insurers — information concerning, 33-2-1111
  impaired insurer's policies, See **INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
  interest in, original insured, 33-2-1207
  liquidation of insurer, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION, Reinsurers**
  property and securities acquired under, disposal, 33-2-842
  reciprocal insurers, 33-5-501
  rehabilitation, for, 33-2-1333
  risk, limit of — amount of retention, 33-2-1201, 33-2-1205
  service of process, exemption from unauthorized insurer provisions, 33-1-614
  supervision of insurer, contracts during — prohibited, 33-2-1321
  surplus line insurance provisions, nonapplicability, 33-2-317

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

- **Reorganization**, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- **Reports**
  - annual statements, See **Annual statements**
  - false entries, 33-18-205
  - gross underwriting profit on wet marine, inland marine, and transportation insurance 33-2-705
  - independently procured coverages, 33-2-706
  - premiums and other considerations, 33-2-705
  - product liability insurers, 33-2-721 — 33-2-723
  - prohibited practices, report of charges regarding, 33-18-1003
- **Reserves**
  - deposit, See **Deposits**
  - disability insurance, 33-2-514
  - domestic stock and mutual insurers, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
  - farm mutual insurers, See **INSURERS — FARM MUTUAL**
  - foreign insurers, requirements, 33-2-106
  - inadequate, 33-2-516
  - increase required when, 33-2-516
  - liability, as, 33-2-511
  - liability insurance, 33-2-515
  - life insurance, standard valuation of reserve liabilities
    - contracts, 33-20-213 operative date
      - individual, group annuity, and pure endowment, 33-2-524
      - on or after, 33-2-523
      - prior to, 33-2-522
    - deposit requirements, 33-2-531
    - general provisions, 33-2-521
    - limits, 33-2-526
    - methods of valuation, 33-2-525, 33-2-526
    - minimum reserves, 33-2-526
    - options, 33-2-526
  - product liability insurers, 33-2-721
  - reciprocal insurers, 33-5-403
  - title insurance, 33-2-512, 33-2-517
  - unearned premium
    - marine and transportation, 33-2-513
    - property, casualty, and surety, 33-2-512
    - title insurance, 33-2-512, 33-2-517
  - workers' compensation, 33-2-515
- **Restraining orders**, 33-18-1003, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
- **Retaliatory fees, taxes, and other obligations**, 33-2-709, See also **Deposits**
- **Risk, limit of**, See **Reinsurance**
- **Securities**
  - assets, as, 33-2-501
  - deposit, See **Deposits**
  - foreign, investment in, 33-2-828
  - holding company systems, See **Holding company systems**, generally
  - investments, See **Investments**
  - "Montana securities" defined, 33-2-705
  - sequestration of voting securities, 33-2-1119
  - subsidiaries, insurer's investment in, 33-2-1103
  - tax report, itemization on — when, 33-2-705
  - valuation, 33-2-532, 33-2-533
  - voting, See **Holding company systems**
- **Sequestration**
  - insurers, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  - voting securities, 33-2-1119, See also **Holding company systems**

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

Service of process
  alien insurers, 33-1-602
  attorney for, 33-1-601, 33-1-612
    copy of appointment required when, 33-2-115
  combination policies, insurers issuing, 33-15-307
  copy, forwarding, 33-1-603
  domestic insurers, 33-1-602
  exclusion from rules of civil procedure, Title 25, chapter 20, M.R.Civ.P., Rule 4D
  foreign insurers, 33-1-602
  holding company systems, 33-2-1106
  joint underwriting associations, 33-22-804, 33-22-805
  pleading, time for, 33-1-603
  reciprocal insurers, 33-1-602, 33-5-301
  serving, 33-1-603
  surplus line insurers, 33-2-315
  unauthorized insurers
    attorney for, 33-1-612
      criteria, 33-1-613, 33-2-104
      fee allowed when, 33-1-616
    citation of unauthorized insurers process act, 33-1-611
    defense of action by insurer, 33-1-615
    exemptions from provisions, 33-1-614
    fees, 33-1-613
    interpretation of provisions, 33-1-611
    procedures, 33-1-613
Solicitors, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Standard valuation of reserve liabilities law — life insurance, 33-2-521 — 33-2-526, See **Reserves**, life insurance, standard valuation of reserve liabilities
State mutual insurers, See **INSURERS — FARM MUTUAL**
State of entry for alien insurers, See **Alien insurers**, trusteed assets
Stock
  assets
    dividends as, 33-2-501
    not allowed as, when, 33-2-502
  capital, chargeable as liability, 33-2-511
  investments, See **Investments**
  "paid-in capital stock" defined, 33-2-705
  subsidiaries, insurer's investment in, 33-2-1103
  valuation, 33-2-533
Stock companies, See **INSURERS — DOMESTIC STOCK AND MUTUAL**
Subsidiaries, See **Holding company systems**
Supervision, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Surety, See **SURETYSHIP AND SURETIES**
Surplus funds, requirements, See **Capital or surplus funds**
Surplus lines, See **INSURANCE — SURPLUS LINE**
Taxation, See also **TAXATION, Insurance**
  premium tax, See **Premium tax**
  retaliatory, 33-2-709
  state, preemption, 33-2-707
Title insurers, See **INSURANCE — TITLE**
Trade practices, regulation, See **Prohibited practices**
Transactions
  alien insurers, state of entry for, See **Alien insurers**, trusteed assets, generally
  combinations of kinds of insurance, 33-2-108
  examination, 33-1-401, 33-1-402
  information and privacy protection, See **INSURANCE**, **Information and privacy protection**
Transfers, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Trusteed assets, See **Alien insurers**

INSURERS ORGANIZATION AND REGULATION GENERALLY (Continued)

- **Twisting prohibited**, 33-18-204
- **Unauthorized insurers**
  - affiliation with, effect, 33-2-119
  - aiding, prohibited, 33-2-104
  - defined, 33-1-201, 33-19-104
  - premium reports and tax, 33-2-706
  - representing, prohibited, 33-2-104
  - service of process, See **Service of process**
  - suits by, prohibited when, 33-2-105
  - surplus lines procured from, See **INSURANCE — SURPLUS LINE**, generally
  - unauthorized insurers process act, 33-1-611 — 33-1-616, See **Service of process**
- **Unauthorized Insurers Process Act**, 33-1-611 — 33-1-616, See **Service of process**
- **Underwriters**, See generally **INSURANCE, Rating or advisory organization INSURERS — RECIPROCAL**
- **Unfair trade practices**, See **Prohibited practices**
- **Unpaid losses and claims**, See **Losses and claims**
- **Valuations**
  - bonds, 33-2-532
  - life insurance, See **Reserves**
  - property, 33-2-534
  - purchase money mortgages, 33-2-535
  - securities, other, 33-2-532, 33-2-533
  - standard valuation of reserve liabilities law — life insurance, 33-2-521 — 33-2-526, Se **Reserves**, life insurance, standard valuation of reserve liabilities
- **Vending machines**, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AN CONSULTANTS, Licenses — agents and solicitors**
- **Violations**
  - cease and desist orders, violation of, 33-18-1005
  - certificate of authority revoked or suspended for, 33-2-119, 33-2-1122, 33-21-113
  - credit life and disability insurers, by, 33-21-113, 33-21-205
  - fines, See **Fines**
  - holding company systems
    - mergers or acquisition of control, failure to file materials or lack of approval, 33-2-1106
    - registration statements, failure to file, 33-2-1112
  - investigation, 33-1-303, 33-1-311
  - mortuaries, relationships with, 33-18-301
  - penalties, See **Penalties**
  - political contributions, 33-18-305
  - unauthorized insurers, aiding or representing, 33-2-104
  - willful, effect, 33-2-1331
  - witnesses — failure to appear and testify, produce evidence, or false information, 33-1-315

INSURERS PROCESS ACT, UNAUTHORIZED, 33-1-611 — 33-1-616

See **INSURERS ORGANIZATION AND REGULATION GENERALLY**, **Service o process**

INSURERS — RECIPROCAL

See also **INSURERS ORGANIZATION AND REGULATION GENERALLY**

- **Accounts**, audits, 33-5-305
- **Actions**
  - attorney's bond, on, 33-5-304
  - sue and be sued, power to, 33-5-103
- **Adjusters**, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AN CONSULTANTS**
- **Agents**, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULT-ANTS**
- **Annual statement**, 33-2-701, 33-5-413
- **Assessments**, 33-5-406, 33-5-412
  - assets, allowed as — when, 33-5-403
  - time limitation, 33-5-407

INSURERS — RECIPROCAL (Continued)

Assets, 33-5-403
    deficiency, 33-5-412
    schedule, filing, 33-5-201
    subscriber's share, 33-5-411
Attorney-in-fact
    agent and solicitor provisions, exemption from, 33-17-103
    annual statement
        filing and supplements, 33-5-413
        verification, 33-2-701
    assessments, levy, 33-5-406, 33-5-412
    assets, deficiency, 33-5-412
    audits of accounts and records, 33-5-305
    bond
        action on, 33-5-304
        requirements, 33-5-303
    certificate of authority issued to, 33-5-502
    contingent liability, application for extinguishment, 33-5-409
    contributions to insurer, 33-5-402
    declaration, filing and acknowledgment, 33-5-201
    defined, 33-5-104
    designation and appointment, 33-5-201
    examination of, when, 33-1-401
    noncompliance with provisions, 33-5-502
    not doing business, 33-5-104
    power of attorney
        copy required when, 33-2-115, 33-5-201
        existing insurers, compliance, 33-5-101
        policy provisions, contained in, 33-15-305
        terms and agreements, 33-5-301
            modifications, 33-5-302
    rights and powers, 33-5-301
    service of process, 33-1-602, 33-5-301, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY, Service of process**
Certificate of authority, 33-5-409, 33-5-502
    application, 33-5-201
Commissioner, See **INSURANCE, COMMISSIONER OF**
Conservators, 33-5-407
Consultants, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Contingent liability, See **Subscribers**
Contributions to, 33-5-402, 33-5-411
Conversion or merger, 33-5-202
Definitions, 33-5-102, 33-5-104
Distribution of savings, 33-5-410
Examination of, See **INSURANCE, COMMISSIONER OF, Examinations by**
Existing insurers, 33-5-101
Filings
    annual statements, 33-5-413
    attorney's bond, 33-5-303
    declaration, 33-5-201
Finances, supervision, 33-5-305
Financial condition
    determination, method of, 33-5-403
    statement, filing, 33-5-201
Formation, 33-5-201, 33-5-202
Impairment, 33-5-412
Insolvency, 33-5-412, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insuring powers, 33-2-108, 33-5-501
Judgments, 33-5-405
Liabilities, 33-5-403

INSURERS — RECIPROCAL (Continued)

Life insurance, transaction prohibited, 33-2-108, 33-5-501
Liquidation, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
  assessments, levy, 33-5-406, 33-5-412
  assets, subscriber's share, 33-5-411
  contributions to insurer, 33-5-402, 33-5-411
Liquidators, 33-5-304, 33-5-407, See also **INSURERS SUPERVISION REHABILITATION, AND LIQUIDATION**
Merger or conversion, 33-5-202
Name, 33-5-103
Nonassessable policies, 33-5-409
Notices for merger or conversion, 33-5-202
Offices, location, 33-5-201
Organization, 33-5-201
Policies
  contingent liability, statement concerning, 33-5-404
  copies, filing, 33-5-201
  existing insurers, compliance, 33-5-101
  nonassessable, 33-5-409
Power of attorney, See **Attorney-in-fact**
Premium tax, See **INSURERS ORGANIZATION AND REGULATION GENERALLY**
Professional liability insurers, See **INSURANCE — CASUALTY**
Rates, filing and approval, 33-5-201
Rating organizations for workers' compensation, applicability of provisions when, 33-16-1003
Receivers, 33-5-304, 33-5-407, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Records, audit, 33-5-305
Rehabilitators, 33-5-407, See also **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Reinsurance, 33-5-501
Representatives, liability, 33-5-503
Reserves, computation, 33-5-403
Savings, distribution, 33-5-410
Scope of provisions, 33-5-101
Service of process, 33-1-602, 33-5-301, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY, Service of process**
Solicitors, See **INSURANCE AGENTS, SOLICITORS, ADJUSTERS, AND CONSULTANTS**
Subscribers
  advisory committee, See **Subscribers' advisory committee**
  agreement, See **Subscribers' agreement**
  assessments, See **Assessments**
  assets
    deficiency, assessment for, 33-5-412
    share in, 33-5-411
  attorney
    bond, action on, 33-5-304
    rights and powers provided to, 33-5-301
  contingent liability
    amount, 33-5-301, 33-5-404
    assets, not allowed as, 33-5-403
    extinguishment when, 33-5-409
  deficiencies
    assessment, levy for, 33-5-412
    computation of share, 33-5-406
  eligible, 33-5-503
  judgments against insurer, binding when, 33-5-405
  liability, 33-5-404
    aggregate, 33-5-408
    assessments, 33-5-406, 33-5-407

INSURERS — RECIPROCAL (Continued)

Subscribers (Continued)
- liability (Continued)
  - judgments, on, 33-5-405
  - representatives, of, 33-5-503
- merger or conversion of insurer, 33-5-202
- offsets against assessments not allowed, 33-5-406
- representatives, liability, 33-5-503
- savings, distribution, 33-5-410

Subscribers' advisory committee
- assessments, approval, 33-5-406
- attorney, modification of terms and agreements, 33-5-302
- contingent liability, approval for extinguishment, 33-5-409
- duties, 33-5-305
- members, 33-5-201
- powers, 33-5-201
- rights, 33-5-301
- selection, rules for, 33-5-305

Subscribers' agreement
- advisory committee, functions conferred by, 33-5-305
- copy required when, 33-2-115, 33-5-201
- existing insurers, compliance, 33-5-101
- modification, 33-5-302
- policy provisions, contained in, 33-15-305

Sue and be sued, power to, 33-5-103

Surplus funds
- contributions, repayment, 33-5-402
- impairment, 33-5-409
- requirements, 33-2-109, 33-2-110, 33-5-201, 33-5-202, 33-5-401

Title insurance, transaction prohibited, 33-5-501

Workers' compensation rating organizations, applicability of provisions when, 33-16-1003

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION

Actions
- domiciliary liquidator, rights of, 33-2-1381
- insurance, commissioner of — rights, 33-2-1381
- insurer's net worth, recovery of reduction or loss, 33-2-1321
- liquidation order
  - effect on, 33-2-1348
  - petitions for, to defend against, 33-2-1336
- liquidator
  - intervention when, 33-2-1348
  - rights of, 33-2-1342, 33-2-1345
- litigation, pending and potential — effect on, 33-2-1334, 33-2-1348
- premiums owed, recovery, 33-2-1362
- prevention when, 33-2-1309
- receivers, brought by, 33-2-1306
- rehabilitation, for, 33-2-1333
- review, 33-2-1321
- stay of proceedings, 33-2-1307, 33-2-1334
- venue, 33-2-1308
- who may bring, 33-2-1305

Affidavits, 33-2-1365

Ancillary proceedings
- claims
  - reciprocal state, claimants in, 33-2-1384
  - resident claimants, 33-2-1385
- formal, 33-2-1382
- summary, 33-2-1383

Ancillary receivers
- appointment, 33-2-1379
  - petition for, 33-2-1382

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Ancillary receivers (Continued)
- assets, failure to transfer, 33-2-1388
- claims
  - filed with, 33-2-1381, 33-2-1384, 33-2-1385
  - recommendations regarding, 33-2-1385
- domiciliary liquidator
  - assistance, 33-2-1382
  - receiver, as, 33-2-1380
- guaranty association, See **INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
- liquidator, powers as, 33-2-1382
- powers, 33-2-1382

Ancillary receivership, petition for, 33-2-1381
"Ancillary state" defined, 33-2-1303
Appeals, 33-2-1362
Applicability of provisions, 33-2-1304
Assessments against members of insurer, 33-2-1360
Assets
- additional, discovery, 33-2-1376
- administration costs, payment from, 33-2-1311
- ancillary receiver
  - administration, 33-2-1382
  - failure to transfer, 33-2-1388
- deposits, transfer, 33-2-612
- disposal, conveyance, or encumbrance prohibited when, 33-2-1321
- distribution, 33-2-1373, 33-2-1387
  - conclusive when, 33-2-1346
  - domestic mutual insurers, 33-3-436
  - proposal for, 33-2-1350, 33-2-1363
- domiciliary liquidator
  - distribution, proposal for, 33-2-1363
  - title to, 33-2-1381
- "general assets" defined, 33-2-1303
- liquidation, 33-2-1350
  - expenses, payment from, 33-2-1345
  - foreign or alien insurers, 33-2-1379, 33-2-1380
- liquidator, administration, 33-2-1342, 33-2-1345
- listing and collection, 33-2-1350
- rehabilitation expenses, payment from, 33-2-1333
- rehabilitator, administration, 33-2-1332
- trusteed, transfer, 33-2-213
- waste prevented, 33-2-1309

Assignments
- liquidator, powers, 33-2-1345
- surrender when, 33-2-1358

Attachments against insurers
- actions to forestall, 33-2-1345
- lien obtained by, 33-2-1353
- prevented when, 33-2-1309, 33-2-1386

Attorneys
- fees, 33-2-1371, 33-2-1375
- liability, personal, 33-2-1357
- services to insurer, transactions to pay for, 33-2-1356

Bonds
- commissioner and deputies, additional when, 33-2-1311
- liability of surety, 33-2-1354
- liens dissolved by, 33-2-1353

Citation of Insurers Supervision, Rehabilitation and Liquidation Act, 33-2-1301
Claims
- actions concerning, 33-2-1348
- ancillary receiver, filed with, 33-2-1381, 33-2-1384, 33-2-1385
- assessment necessary to pay, 33-2-1360

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Claims (Continued)
- claimants
  - notice of liquidation order, 33-2-1346
  - objections for denied claims, filing, 33-2-1368
  - reciprocal state, in, 33-2-1384
- counterclaims, 33-2-1359
- coverage, See guaranty associations; See also generally **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
- creditors, See **Creditors**
- disputed, 33-2-1368
- distribution, order of and priority, 33-2-1371, 33-2-1384, 33-2-1385, 33-2-1387
- domiciliary liquidator, filed with, 33-2-1381, 33-2-1384, 33-2-1385
- filing, 33-2-1346, 33-2-1364, 33-2-1367
  - excused late filing when, 33-2-1358
  - late filing, 33-2-1364
  - unexcused late filing, 33-2-1367
- holders of void or voidable rights, of, 33-2-1358
- insureds or claimants against insureds, of, 33-2-1367
- interstate priorities, 33-2-1387
- liquidator
  - collection, 33-2-1345
  - filed with, 33-2-1381, 33-2-1385
  - report, 33-2-1372
- nonresidents against insurer domiciled in state, of, 33-2-1384
- not allowed when, 33-2-1358
- outstanding, effect, 33-2-1379
- payment, order for, 33-2-1380
- "preferred claim" defined, 33-2-1303
- priorities, 33-2-1371, 33-2-1384, 33-2-1385
  - interstate, 33-2-1387
- proof, 33-2-1365, 33-2-1385
  - filing, 33-2-1364
- reciprocal state
  - claimants in, 33-2-1384
  - insurers domiciled in, residents against, 33-2-1385
- residents against insurers domiciled in reciprocal state, 33-2-1385
- secured claim
  - defined, 33-2-1303
  - liquidation, 33-2-1382
  - security
    - amount applied to, 33-2-1370
    - surrendered when, 33-2-1387
- secured creditors, 33-2-1370
  - payment, 33-2-1363
- setoffs, 33-2-1359
- special, 33-2-1366
- special deposit claim
  - defined, 33-2-1303
  - liquidation, 33-2-1382
  - priority, 33-2-1387
- subordination when, 33-2-1388
- subrogation, 33-2-1369
- sureties, of, 33-2-1369
- third party, 33-2-1367
- unsecured, 33-2-1370
- unsecured creditors, of, 33-2-1387

Commissioner, See **INSURANCE, COMMISSIONER OF**

Confidentiality of records when, 33-2-1323

Conservation
- complaint for, jurisdiction of court, 33-2-1305
- foreign or alien insurers, 33-2-1379

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

- **Conservation** (Continued)
  - guaranty associations for, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
  - order for, petition, 33-2-1381
  - termination, order for, 33-2-1379
- **Conservators**, See also **Liquidators; Receivers; Rehabilitators**
  - ancillary receiver, appointment as, 33-2-1379
  - appointment, 33-2-1379
  - deposits, transfer to, 33-2-612
  - reciprocal insurers, order concerning appointment, 33-5-407
  - responsibilities, 33-2-1379
  - trusteed assets transferred to, 33-2-213
- **Conservatorship**, suspension of certificate of authority upon, 33-2-119
- **Construction of provisions**, 33-2-1302
- **Cooperation by officials**, 33-2-1310
- **Counterclaims**, 33-2-1359
- **Court**
  - ancillary receiver
    - appointment, 33-2-1382
    - claims, recommendation, 33-2-1385
  - appeals to, 33-2-1362
  - assessments, levy, 33-2-1360
  - assets
    - administration, supervision, 33-2-1332
    - disbursement, submission for, 33-2-1350
    - distribution
      - proposal for, 33-2-1363
      - supervision, 33-2-1373
    - liquidation, order for, 33-2-1380
  - attorney's services, examination for payment transactions, 33-2-1356
  - bond requirements of commissioner and deputies, additional, 33-2-1311
  - claims
    - allowance, 33-2-1385
    - disputed, hearing for, 33-2-1368
    - liquidator
      - recommendations, 33-2-1367
      - report, 33-2-1372
    - payment, order for, 33-2-1380
  - conservator, petition and order for appointment, 33-2-1379
  - dissolution, order for, 33-2-1344
  - federal, petition for appointment of receiver, 33-2-1380
  - funds, order to transfer, 33-2-1375
  - injunctions
    - granting, 33-2-1309, 33-2-1321
    - liquidation order, inclusion, 33-2-1348
  - insolvency, judicial declaration, 33-2-1342
  - jurisdiction
    - delinquency proceedings, 33-2-1305
    - personal, 33-2-1306
    - summary, 33-2-1354
  - lien or security title, order for preservation, 33-2-1353
  - liquidation
    - order, petition for, 33-2-1336, 33-2-1341
    - personnel, approval of compensation for, 33-2-1345
    - reopening, petition for, 33-2-1374, 33-2-1376
  - liquidator
    - accounting by, 33-2-1342
    - claims, report concerning, 33-2-1372
    - discharge, granting, 33-2-1375
    - substitution for insurer as plaintiff, 33-2-1345
  - orders, granting, 33-2-1309

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Court (Continued)
  out-of-state, applications to — for relief, 33-2-1309
  property, judicial sale, 33-2-1352
  receiver's books, audit, 33-2-1378
  records, disposition — recommendation for, 33-2-1377
  rehabilitation
    expenses, approval, 33-2-1333
    hearings, 33-2-1333
    orders, petition for, 33-2-1331
    restoration of possession of property and control of business, order for, 33-2-1336
    termination, order for, 33-2-1336
  rehabilitator, accounting by, 33-2-1332
  restraining orders, granting, 33-2-1309, 33-2-1321
  secured creditors, determination of security held by, 33-2-1370
  seizure orders, 33-2-1322
  stay of proceedings, order for, 33-2-1307
  summary jurisdiction, 33-2-1354
  transfer or obligation, order for preservation, 33-2-1351
  venue, 33-2-1308

Creditors
  claims, See **Claims**
  defined, 33-2-1303
  liquidation order, notice, 33-2-1346
  liquidator, agreements with, 33-2-1373
  preferences, 33-2-1353
  rights and liabilities, 33-2-1342, 33-2-1345
  secured creditors, claims, 33-2-1363, 33-2-1370
  set off for further credit, 33-2-1355
  sureties, claims of, 33-2-1369
  transfers, fraudulent when, 33-2-1351
  unsecured creditors, 33-2-1387

Currency, negotiability, 33-2-1352

Definitions, 33-2-1303, 33-2-1310, 33-2-1353, 33-2-1369

Delinquency proceedings
  application, 33-2-1304
  commencement, 33-2-1305, 33-3-401, 33-3-432
    suspension of certificate of authority upon, 33-2-119
  cooperation by officials, 33-2-1310
  defined, 33-2-1303
  deposits, transfer, 33-2-612
  domestic stock and mutual insurers
    corporate charter, unused — effect, 33-3-104
    instituted when, 33-3-401, 33-3-432
  interference, prevention, 33-2-1309
  jurisdiction, 33-2-1305, 33-2-1306
  legal process, exemption during pendency, 33-2-1386
  out-of-state, stay pending, 33-2-1307
  petition for, right to resist, 33-2-1310
  procedure exclusive, 33-2-1305
  reinsurers, amount recoverable from, 33-2-1361
  venue, 33-2-1308

Depositions, 33-2-1365

Dissolution
  complaint for, jurisdiction of court, 33-2-1305
  order for, 33-2-1344

"Doing business" defined, 33-2-1303

Domiciliary liquidator
  ancillary receiver
    assets, failure to transfer, 33-2-1388
    assistance by, 33-2-1382
  assets, proposal for distribution, 33-2-1363

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Domiciliary liquidator (Continued)
  claims
    contested, 33-2-1385
    filed with, 33-2-1381, 33-2-1384, 33-2-1385
  reciprocal state, in, 33-2-1380, 33-2-1381
Domiciliary state
  claims, order of distribution, 33-2-1387
  defined, 33-2-1303
  proceedings requested by, 33-2-1383
Estate of insurer
  lien or security title preserved for, 33-2-1353
  liquidation order, petition for — defense costs, 33-2-1336
  liquidator, actions to protect, 33-2-1348
  rehabilitation termination, order for — expenses, 33-2-1336
Execution
  levying, prevention when, 33-2-1309, 33-2-1386
  lien obtained by, 33-2-1353
  liquidator, powers, 33-2-1345
Filings
  ancillary receiver, petition for appointment, 33-2-1382
  claimant's objections for denied claims, 33-2-1368
  conservation orders, 33-2-1379
  liquidation
    claims, See **Claims**, generally
    orders, 33-2-1342, 33-2-1380
  liquidators
    by, generally, 33-2-1345
    domiciliary, application for distribution of assets, 33-2-1363
  rehabilitation orders, 33-2-1332
  seizure order, petition for, 33-2-1322
Fines
  delinquency proceedings or investigations, obstruction or interference, 33-2-1310
  orders, violation, 33-2-1310
"Formal delinquency proceeding" defined, 33-2-1303
Fraudulent transfers, See **Transfers**
Garnishment against insurers
  action to forestall, 33-2-1345
  lien obtained by, 33-2-1353
  prevented when, 33-2-1309, 33-2-1386
Guaranty associations, See also **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
  assets distributed to, 33-2-1363
  claims
    form and contents, 33-2-1365
    late filing, 33-2-1364
  defined, 33-2-1303
  expenses, 33-2-1371
  liquidation
    order, notice, 33-2-1346
    proceedings, standing in, 33-2-1349
  policy coverage, continuance, 33-2-1343
  records of insurer, availability, 33-2-1345
  rehabilitation proceedings, standing in, 33-2-1335
Hearings
  agents, for noncompliance with notice requirements, 33-2-1347
  claims
    disputed, 33-2-1368
    proving, 33-2-1385
  insolvency, for judicial declaration, 33-2-1342
  insurers, persons in executive authority — concerning, 33-2-1331
  liquidation, generally, 33-2-1345

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Hearings (Continued)
  premiums owed, regarding recovery, 33-2-1362
  private when, 33-2-1321, 33-2-1322
  public when, 33-2-1321
  rehabilitation, for, 33-2-1333
  seizure orders concerning, 33-2-1322
  supervision, for, 33-2-1321
  violations, concerning, 33-2-1310
  voiding preferences and liens, for, 33-2-1354
  waiver when, 33-2-1321
Injunctions
  general provisions, 33-2-1309
  jurisdiction of court, 33-2-1305
  liquidation order, inclusion, 33-2-1348
  supervision orders, enforcement, 33-2-1321
Insolvency
  defined, 33-2-1303
  deposits, right of insurer, 33-2-609
  dissolution of insurer, 33-2-1344
  domestic stock and mutual insurers, 33-3-432
  guaranty associations for, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
  judicial declaration, 33-2-1342
  liquidation, ground for, 33-2-1341
  preferences avoided, 33-2-1353
  premiums, unpaid — payment, 33-2-1362
  reciprocal insurers, 33-5-412
Insurance, Commissioner of, See **INSURANCE, COMMISSIONER OF**
Insurers
  agents
    domiciliary liquidator, right to balances, 33-2-1381
    liquidation order, notice, 33-2-1346
    policyholders, notice to, 33-2-1347
    premiums, unpaid — payment, 33-2-1362
  attachments, See **Attachments against insurers**
  defenses available to, 33-2-1345
  defined, 33-2-1303
  dissolution, 33-2-1344
  domiciled in
    reciprocal state, residents against, 33-2-1385
    state, nonresident claims, 33-2-1384
  estate of, See **Estate of insurer**
  execution, See **Execution**
  executive authority, persons in
    authority, suspension and redelegation, 33-2-1333
    jurisdiction of court, 33-2-1306
    liability, personal, 33-2-1357
    untrustworthy, failure to remove — effect, 33-2-1331
  foreign or alien
    assets, liquidation, 33-2-1380
    conservation, 33-2-1379
  garnishment, See **Garnishment against insurers**
  members
    assessments against, 33-2-1360
    rights and liabilities, 33-2-1342, 33-2-1345
  policy coverage, continuance, 33-2-1343
  premiums, recovery, 33-2-1362
  restoration of possession of property and control of business, 33-2-1336, 33-2-1379
Interstate
  agreements, 33-2-1302, 33-2-1345
  claims, priorities, 33-2-1387

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Investigations, cooperation by officials, 33-2-1310
Judgments against insurer
  damages, quantum — not considered as, 33-2-1365
  liability, evidence of — not considered as, 33-2-1365
  lien obtained by, 33-2-1353
  members of insurer, against, 33-2-1360
  obtaining, prevention, 33-2-1309
Judicial review
  confidentiality when, 33-2-1323
  orders, 33-2-1321, 33-2-1322
Judicial sale of property, 33-2-1352
Jurisdiction
  court, 33-2-1305
  personal, 33-2-1306
Legal process, exemption when, 33-2-1386
Liens
  liquidator, power to avoid, 33-2-1345
  obtaining
    legal or equitable proceedings, by, 33-2-1353
    prevention, 33-2-1309
  policies, on — when, 33-2-1333
  preference by way of, 33-2-1353
  security for repayment, 33-2-1351
  surrender when, 33-2-1358
  transfers creating, 33-2-1351, 33-2-1352
  voidable when, 33-2-1353
  voiding, procedures, 33-2-1354
Liquidation
  complaint for, jurisdiction of court, 33-2-1305
  domestic mutual insurers, 33-3-436
  fraternal benefit societies, 33-2-1304, 33-7-115
  grounds for, 33-2-1341
  guaranty associations for, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
  holding company systems, plans for liquidation, 33-2-1104, 33-2-1105
  merger or acquisition of control, plans or proposals for liquidation, 33-2-1104, 33-2-1105
  orders for, 33-2-1341, 33-2-1342
    petition, 33-2-1336, 33-2-1381
    right to resist, 33-2-1310
  policy coverage, continuance, 33-2-1343
  proceedings
    claims, interstate priorities, 33-2-1387
    constructive notice, commencement as, 33-2-1352
    "formal delinquency proceeding" defined, 33-2-1303
    guaranty associations, standing in, 33-2-1349
    legal process, exemption during pendency, 33-2-1386
    litigation, pending and potential — effect, 33-2-1348
    reciprocal state, claims belonging to claimants in, 33-2-1384
    termination, 33-2-1375
  reciprocal insurers, See **INSURERS — RECIPROCAL**
  reopening, petition for, 33-2-1374, 33-2-1376
Liquidators, See also **Conservators**; **Receivers**; **Rehabilitators**
  accounting by, 33-2-1342
  agents, notice requirements and compliance report, 33-2-1347
  ancillary receiver, powers, 33-2-1380, 33-2-1382
  appointment, 33-2-1321, 33-2-1342
  assessments, order for and recommendations, 33-2-1360
  assets
    administration, 33-2-1342
    distribution, 33-2-1373
      proposal, 33-2-1363

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Liquidators (Continued)
- assets (Continued)
  - listing and collection, 33-2-1350
  - trusteed, transferred to, 33-2-213
- attorney's services to insurer, petition for examination of payment transactions, 33-2-1356
- claims
  - claimant's objections, filing, 33-2-1368
  - denied, 33-2-1368
  - disputed, 33-2-1368
  - filed with, 33-2-1346, 33-2-1381, 33-2-1385
  - late filing, 33-2-1364
  - money or property delivered for, 33-2-1358
  - proof
    - filed with, 33-2-1364
    - forms, 33-2-1365
  - recommendations, 33-2-1372
  - review, 33-2-1372
  - third party, filed by, 33-2-1367
- creditors
  - agreements with, 33-2-1373
  - secured, determination of security held by, 33-2-1370
- defenses, 33-2-1345
- deposits, transfer, 33-2-612
- discharge
  - application for, 33-2-1375
  - unclaimed funds, deposit, 33-2-1374
- dissolution of insurer effected when, 33-2-1344
- domiciliary, See **Domiciliary liquidator**
- guaranty association, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY**
- insurer's executive personnel, liability, 33-2-1357
- judgments against members for assessments, 33-2-1360
- lien or title
  - passed to, 33-2-1353
  - voiding liens, 33-2-1354
- liquidation order, notice requirements, 33-2-1346, 33-2-1347
- litigation, pending and potential — actions concerning, 33-2-1348
- policy obligations, transfer, 33-2-1343
- powers generally, 33-2-1345
- preferences
  - avoided by, when, 33-2-1353
  - voiding, 33-2-1354
- premiums, unpaid — collection, 33-2-1362
- property, recovery, 33-2-1353
- reciprocal insurers
  - appointment, order concerning, 33-5-407
  - attorney's bond, action on, 33-5-304
- reinsurers, amount recoverable from, 33-2-1361
- transfers invalid when, 33-2-1352
- unclaimed and withheld funds, 33-2-1374
- voiding preferences and liens, 33-2-1354

Negotiable instruments, negotiability, 33-2-1352

Notices
- claims, 33-2-1384, 33-2-1385
  - disputed, of determination, 33-2-1368
- conservation order, filing as, 33-2-1379
- domiciliary liquidator, of application for approval of proposal to disburse assets, 33-2-1363
- hearings, 33-2-1321, 33-2-1322, 33-2-1331, 33-2-1333, 33-2-1354, 33-2-1362
- liquidation orders
  - agents, to and by, 33-2-1347
  - creditors, to, 33-2-1346
  - filings as, 33-2-1342, 33-2-1352, 33-2-1380

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Obligations
- "fair consideration" defined, 33-2-1303
- fraudulent when, 33-2-1351
- policy, transfer, 33-2-1345
- setoffs and counterclaims not allowed when, 33-2-1359

Orders
- ancillary receiver, appointment, 33-2-1379, 33-2-1382
- assessments, for payment, 33-2-1360
- assets, for liquidation, 33-2-1379, 33-2-1380
- claims, payment, 33-2-1380
- conservation, for termination, 33-2-1379
- conservator, for appointment, 33-2-1379
- damages, quantum — not considered as, 33-2-1365
- dissolution, for, 33-2-1344
- funds, for transfer, 33-2-1375
- general provisions, 33-2-1309
- judicial review, 33-2-1321, 33-2-1322
- liability, evidence of — not considered as, 33-2-1365
- liquidation, for, 33-2-1336, 33-2-1341, 33-2-1342
  - notice requirements, 33-2-1346, 33-2-1347
  - reopening, 33-2-1376
- recovery of indemnifying property or avoidance of indemnifying lien, 33-2-1354
- rehabilitation, for, 33-2-1331, 33-2-1332
  - termination, 33-2-1336
- resist, right to, 33-2-1310
- restoration of possession of property and control of business to insurer, 33-2-1336, 33-2-1379
- restraining orders, See **Restraining orders**
- seizure, for, 33-2-1322
- stay of proceedings, 33-2-1307
- supervision, for, 33-2-1321
- transfer or obligation, for preservation, 33-2-1351
- violation, 33-2-1310

Penalties
- agent's failure to give notice or file compliance report, 33-2-1347
- delinquency proceedings and investigations, obstruction or interference, 33-2-1310
- orders, violation, 33-2-1310
- premiums, unpaid — violation of recovery provision, 33-2-1362
- supervision orders, violation, 33-2-1321

Petitions
- ancillary receiver, appointment, 33-2-1382
- ancillary receivership, 33-2-1381
- assets, for liquidation, 33-2-1379, 33-2-1380
- attorney's services, for examination of payment transactions, 33-2-1356
- conservation
  - order, 33-2-1381
  - termination, 33-2-1379
- conservator, appointment, 33-2-1379
- dissolution order, 33-2-1344
- domiciliary liquidator, to act as ancillary receiver, 33-2-1380
- fraudulent transfers
  - after, 33-2-1352
  - prior to, 33-2-1351
- insolvency, judicial declaration, 33-2-1342
- liquidation
  - order, 33-2-1336, 33-2-1341, 33-2-1342, 33-2-1381
  - reopening, 33-2-1374, 33-2-1376
- receiver, appointment, 33-2-1380
- rehabilitation orders, 33-2-1331
  - termination order, 33-2-1336
- right to resist, 33-2-1310
- seizure orders, 33-2-1322
- stay of proceedings, for, 33-2-1334

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Policies
- coverage, continuance, 33-2-1343
- obligations, transfer, 33-2-1345
- outstanding, effect, 33-2-1379
- policyholders
  - notice of liquidation order, 33-2-1347
  - rights and liabilities, 33-2-1342, 33-2-1345
- premiums owed, recovery, 33-2-1362

Preferences
- defined, 33-2-1353
- liquidator, avoided by — when, 33-2-1353
- obtaining, prevention, 33-2-1309
- personal liability, 33-2-1357
- set off for further credit, 33-2-1355
- surrender when, 33-2-1358
- voidable, 33-2-1353
  - personal liability, 33-2-1357
- voiding, procedures, 33-2-1354

Premiums owed, recovery, 33-2-1362

Property
- domiciliary liquidator, title to, 33-2-1381
- "fair consideration" defined, 33-2-1303
- judicial sale, 33-2-1352
- liquidator, authority, 33-2-1342, 33-2-1345
- seizure when, 33-2-1322
- transfers, See **Transfers**

Purpose of provisions, 33-2-1302

Receivers, See also **Conservators**; **Liquidators**; **Rehabilitators**
- actions brought by, 33-2-1306
- ancillary, See **Ancillary receivers**
- appointment, 33-2-1345, 33-2-1380
- audit of books, 33-2-1378
- defined, 33-2-1303
- deposits, transfer, 33-2-612
- fraternal benefit societies, 33-7-115
- fraudulent transfers, obligations, or transactions — avoiding, 33-2-1351
- guaranty association, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY**
- injunctions, application for, 33-2-1309
- interference, prevention, 33-2-1309
- liquidator, powers and agreements, 33-2-1345
- orders, application for, 33-2-1309
- reciprocal insurers
  - appointment, order concerning, 33-5-407
  - attorney's bond, action on, 33-5-304
- restraining orders, application for, 33-2-1309
- transfers, valid when, 33-2-1352

Receivership
- ancillary, See **Ancillary receivership**
- certificate of authority suspended upon commencement, 33-2-119
- complaint for, jurisdiction of court, 33-2-1305
- fraternal benefit societies, 33-7-115
- health service corporations, 33-30-113
- holding company system's property placed in, when, 33-2-1121
- records, 33-2-1378

Reciprocal state
- ancillary proceedings, allowance of claims, 33-2-1384
- ancillary receivers, rights and powers, 33-2-1382
- claims
  - by claimants in, 33-2-1384
  - priorities, 33-2-1387
- defined, 33-2-1303

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Reciprocal state (Continued)
  domiciliary liquidator in, 33-2-1380 — 33-2-1382
  liquidation proceedings, interstate priorities on claims, 33-2-1387
Records
  ancillary receivers, rights and duties, 33-2-1382
  availability, cooperation for, 33-2-1310
  confidentiality when, 33-2-1323
  domiciliary liquidator
    access to, 33-2-1381
    transferred to, 33-2-1382
  guaranty associations, availability to, 33-2-1345
  liquidation, disposition during and after, 33-2-1377
  liquidator, authority, 33-2-1342, 33-2-1345
  seizure when, 33-2-1322
  withholding
    effect, 33-2-1331
    prevention, 33-2-1309
Referees
  assessment hearings and orders, objections to, 33-2-1360
  claims, disputed, 33-2-1368
Rehabilitation
  complaint for, jurisdiction of court, 33-2-1305
  domestic stock insurer, mutualization, 33-3-215
  grounds for, 33-2-1331
  guaranty associations for, See **INSURANCE GUARANTY ASSOCIATION — CASUALTY AND PROPERTY; INSURANCE GUARANTY ASSOCIATION — LIFE AND HEALTH**
  life insurers, 33-2-1333, 33-2-1335
  orders for, 33-2-1331, 33-2-1332
  plans for, 33-2-1333
  proceedings
    constructive notice, commencement as, 33-2-1352
    expenses, 33-2-1333
    "formal delinquency proceeding" defined, 33-2-1303
    guaranty associations, standing in, 33-2-1335
    litigation, pending and potential — effect on, 33-2-1334
  request for or consent to, 33-2-1331
  termination, order for, 33-2-1336
Rehabilitators, See also **Conservators**; **Liquidators**; **Receivers**
  accounting to court, 33-2-1332
  appointment, 33-2-1321, 33-2-1332
  assets
    administration, 33-2-1332
    trusteed, transferred to, 33-2-213
  deposits, transfer, 33-2-612
  litigation, pending and potential — actions concerning, 33-2-1334
  powers and duties, 33-2-1333
  reciprocal insurers, order concerning appointment, 33-5-407
  termination of rehabilitation, petition for, 33-2-1336
Reinsurers
  fraudulent transactions with, 33-2-1351
  jurisdiction of court, 33-2-1306
  liability, 33-2-1361
Reports
  audit, 33-2-1378
  liquidator, concerning claims, 33-2-1372
Restraining orders
  general provisions, 33-2-1309
  jurisdiction of court, 33-2-1305
  supervision orders, enforcement, 33-2-1321
Secured creditors, See **Creditors**
Seizure orders, 33-2-1322

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION (Continued)

Sequestration
    complaint for, jurisdiction of court, 33-2-1305
    conservation, ground for, 33-2-1379
Setoffs, 33-2-1355, 33-2-1359, 33-2-1362
Short title, 33-2-1301
Subpoenas, 33-2-1345
Summary orders, 33-2-1321
Supervision
    proceedings, 33-2-1321
        confidentiality when, 33-2-1323
    prohibitions during, 33-2-1321
Supervisor, appointment, 33-2-1321
Sureties
    claims, 33-2-1369
    liability, 33-2-1354
    liens dissolved by, 33-2-1353
Transfers
    attorney's services, for payment, 33-2-1356
    defined, 33-2-1303
    fraudulent
        after petition, 33-2-1352
        prior to petition, 33-2-1351
        rehabilitator, power to avoid, 33-2-1333
    liquidator, power to avoid, 33-2-1345
    policy obligations, 33-2-1345
    preferences, 33-2-1353
    prevented when, 33-2-1309
    receivers, avoidance, 33-2-1351
    surrender when, 33-2-1358
Unclaimed and withheld funds, 33-2-1374
Violations
    cooperation by officials, lack of, 33-2-1310
    orders, violation, 33-2-1310
    premiums, unpaid — violation of recovery provision, 33-2-1362
    proceedings or investigations, obstruction or interference, 33-2-1310
    supervision orders, 33-2-1321
Voidable preferences and liens, 33-2-1353
    procedure for voiding, 33-2-1354
Witnesses, 33-2-1345, 33-2-1365, 33-2-1371

INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION ACT, Title 33, chapter 2, part 13

See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**

INSURRECTION

See **CRIMES, Riot; EMERGENCIES AND EMERGENCY POWERS**, generally

INTENT

See **CRIMES, Mental state; LEGISLATURE**

INTEREST

See also **LOANS; PROPERTY, Income of property**

Applicability of laws, 70-1-412
Banks and trust companies, See **BANKS AND TRUST COMPANIES, Loans**
Building and loan associations, See **BUILDING AND LOAN ASSOCIATIONS, Earnings; Loans**, charges

INTEREST (Continued)

Consumer loan businesses, See **CONSUMER LOAN BUSINESSES, Loans**, charges
Contracts, judgment on, 25-9-205
Cost of doing business, as, 30-14-202
Credit unions, See **CREDIT UNIONS, Loans; Shares and accounts**, dividends
Damages, on, See **DAMAGES**
Delinquent payment on retail sales, 31-1-501, 31-1-502
Eminent domain, on compensation, 70-30-302
Energy conservation loans, 15-32-107
Finance companies, See **CONSUMER LOAN BUSINESSES, Loans**, charges
Housing, lower income — revenue bonds and instruments, 90-6-111
"Income of property", defined as, 70-1-412
Industrial development project revenue bonds, 90-5-103
Installment sales, See **CREDIT TRANSACTIONS, Retail installment sales**, finance charges
Investment companies, See **BANKS AND TRUST COMPANIES, Loans**
Judgments, 25-9-205, See also **JUDGMENTS AND DECREES**
Junk dealers, allowable rate by, 31-1-401
Late payment on retail sales, 31-1-501, 31-1-502
Legal rate, 31-1-105 — 31-1-107, 31-1-111, 31-1-112, See **LOANS**
Loan companies, See **CONSUMER LOAN BUSINESSES, Loans**, charges
Loans generally, 31-1-105 — 31-1-107, 31-1-111, 31-1-112, See **LOANS**
Maximum legal rate, 31-1-105 — 31-1-107, 31-1-111, 31-1-112, See **LOANS**
Merchant lenders, 31-1-112
Oil and gas privilege and license tax, delinquency, 82-11-133
Pawnbrokers and junk dealers, allowable rate by, 31-1-401
Redemption upon execution, 25-13-802 — 25-13-805
Regulated lenders, 31-1-107, 31-1-111, 31-1-112
Renewable resource development loans, 90-2-108
Retail installment sales, See **CREDIT TRANSACTIONS, Retail installment sales**, finance charges
Retail sales, late payment, 31-1-501, 31-1-502
Savings and loan associations, See **BUILDING AND LOAN ASSOCIATIONS, Earnings; Loans**, charges
Savings banks, See **BANKS AND TRUST COMPANIES, Loans**
Securities fraud, on judgment, 30-10-307
Special improvement district assessments, delinquent, 15-16-102
Taxes
  delinquent, 15-16-101, 15-16-102
    cement taxes, 15-59-106, 15-59-205
    coal
      retailer's license tax, 15-58-106
      severance tax, 15-35-105
    corporation taxes, 15-31-502
    county tax deed lands, assignment of rights, 15-17-303
    county treasurer's remittance to state treasurer, delinquent, 15-1-504
    deficiencies, 15-30-323, 15-31-503
    electrical energy producers' license tax, 15-51-103
    express companies' license tax, 15-54-111
    gasoline license tax, 15-70-210
    income tax, individual, 15-30-142, 15-30-321
    metal mines
      gross proceeds, 15-23-804
      license tax, 15-37-105, 15-37-108, 15-37-109
    micaceous mineral mines license tax, 15-37-205
    mobile homes permits, 15-24-202
    oil and gas
      privilege and license tax, 82-11-133
      severance tax, 15-36-107
    railroads
      freight line company's license tax, 15-55-108
      sleeping car company's license tax, 15-56-111
    resource indemnity trust tax, 15-38-107

INTEREST (Continued)

Taxes (Continued)
  delinquent (Continued)
    special fuels use tax, 15-70-330, 15-70-331, 15-70-333
    special improvement district assessments, 15-16-102
    telephone company's license tax, 15-53-111
  income tax, false claims for property tax relief already paid, 15-30-179
  protest money, refund, 15-1-402
  redemption, upon, 15-17-206, 15-18-102
  refunds
    corporation taxes, 15-31-531
    income tax, 15-30-149
    protest payments, 15-1-402
    tax sale purchases, 15-17-312
  tax sale purchase, refund, 15-17-312
Trust companies, See **BANKS AND TRUST COMPANIES, Loans**
Wage brokers, 31-1-305

INTERLOCAL COOPERATION ACT, Title 7, chapter 11, part 1

See **LOCAL GOVERNMENT, Interlocal cooperation agreements**

INTERLOCAL COOPERATION COMMISSION

See **LOCAL GOVERNMENT**

INTERMENT

See **CEMETERIES; FUNERALS AND FUNERAL EXPENSES; MAUSOLEUMS AND COLUMBARIUMS**

INTERPLEADER

See **CIVIL PROCEDURE**

INTERPRETERS

See **CIVIL PROCEDURE; CRIMINAL PROCEDURE; DEAF PERSONS**

INTERROGATORIES

See **CIVIL PROCEDURE, Discovery**

INTERSECTIONS

See **TRAFFIC REGULATIONS**

INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

See **TEACHERS**

INTERSTATE COMPACTS

Children, placement of, Title 41, chapter 4, See **MINORS, Interstate Compact on the Placement of Children**
Civil defense and disaster, 10-3-204 — 10-3-206, See **EMERGENCIES AND EMERGENCY POWERS**
Corrections, Title 46, chapter 19, part 3, See **CRIMINAL PROCEDURE, Commitment**

INTERSTATE COMPACTS (Continued)

Detainers, Title 46, chapter 31, See **CRIMINAL PROCEDURE, Detainers**
Driver license, Title 61, chapter 5, part 4, See **DRIVERS' LICENSES**
Higher Education Compact, Western Regional, Title 20, chapter 25, part 8, See **HIGHER EDUCATION, Western Regional Higher Education Compact**
Juveniles, Title 41, chapter 6, See **MINORS, Interstate Compact on Juveniles**
Library, 22-1-601, 22-1-602
Mental health, Title 53, chapter 22, part 1, See **MENTALLY ILL PERSONS**
Nuclear, Title 90, chapter 5, part 2, See **NUCLEAR ENERGY, Interstate compact**
Oil and gas conservation, Title 82, chapter 11, part 3, See **OIL AND GAS**
Parolees and probationers, supervision, 46-23-1102, See **PROBATION, PAROLE, AND CLEMENCY, Interstate supervision of probationers and parolees**
Placement of children, Title 41, chapter 4, See **MINORS, Interstate Compact on the Placement of Children**
Taxes, 15-1-601, See **TAXATION, Multistate taxes**
Vehicle equipment safety, Title 61, chapter 2, part 2, See **MOTOR VEHICLE EQUIPMENT, Vehicle Equipment Safety Compact**
Western Regional Higher Education Compact, Title 20, chapter 25, part 8, See **HIGHER EDUCATION**
Yellowstone River, 85-20-101, See **YELLOWSTONE RIVER, Appropriation of water**

INTERSTATE COOPERATION

Council of State Governments, authority, 5-11-302
Fishing privileges, 87-2-1001 — 87-2-1004
Hazardous waste management, 75-10-419
Insurers rehabilitation and liquidation, 33-2-1302, 33-2-1345, See **INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION**
Laws, uniform interpretation, Title 1, chapter 12, See **LAW, Uniform State Laws, Commission on**
Legislative Council, functions, 5-11-301
Motor vehicle registration, See **MOTOR VEHICLE REGISTRATION, Fleet vehicles**

INTERSTATE HIGHWAYS

See **HIGHWAYS, Controlled-access highways; Federal-aid highways**

INTERVENTION

See **CIVIL PROCEDURE, Parties to action**

INTESTATE SUCCESSION

See **ESTATES AND PROBATE PROCEEDINGS**

INTIMIDATION

See **CRIMES**

INTOXICATING SUBSTANCES

See **ALCOHOLIC BEVERAGES; DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**

INTOXICATION

See also **ALCOHOL ABUSE; DRUGS AND CONTROLLED SUBSTANCES AND DEVICES, Abuse of**

Alcoholic beverages, selling or providing to intoxicated persons prohibited, 16-3-301, 16-6-304

INTOXICATION (Continued)

Boats and motorboats, operating while intoxicated unlawful, 23-2-523
Boiler operator engineers, 50-74-314
Consent ineffective
  criminal act, 45-2-211
  marriage, 40-1-402
Criminal responsibility, 45-2-203
Disability insurers, liability regarding insured, 33-22-231
Driving while intoxicated
  boats, 23-2-523
  motor vehicles, See **DRIVING AND DRIVERS**, **Driving while under the influence of alcohol or drugs**
  sentencing, 46-18-201
  snowmobiles, 23-2-632
Generally, Title 53, chapter 24, part 1
Highway patrolmen, cause for disciplinary action, 44-1-612
Marriage licenses
  consent ineffective, 40-1-402
  invalidity, 40-1-402
  issuance prohibited, 40-1-210
Mental state, effect on, 45-2-203
Motorboats, operating while intoxicated unlawful, 23-2-523
Pedestrians, walking on highways prohibited, 61-8-508
Railroad personnel engaged in train operation, penalty, 69-14-1004
Selling or providing alcohol to intoxicated persons prohibited, 16-3-301, 16-6-304
Snowmobiles, driving while intoxicated prohibited, 23-2-632

INURNMENT

See **FUNERALS AND FUNERAL EXPENSES; MAUSOLEUMS AND COLUMBARIUMS**

INVASION OF PRIVACY

See **PRIVACY**

INVENTIONS

See **TRADE REGULATION AND COMPETITION**

INVENTORIES

Secured transactions, See **SECURED TRANSACTIONS**
Taxation, See **TAXATION**

INVESTIGATION

Boiler engineers, complaints against, 50-74-314
Campaign violations, 13-37-111, 13-37-123, 13-37-125
Consumer reports, See **CONSUMER PROTECTION**, **Investigation and reporting**
Cosmetics, publication of results, 50-31-105
Credit ratings, See **CONSUMER PROTECTION**, **Investigation and reporting**
Credit reports, See **CONSUMER PROTECTION**, **Investigation and reporting**
Criminal, See **CRIMINAL INVESTIGATION, BUREAU OF; CRIMINAL JUSTICE INFORMATION**, generally; **CRIMINAL PROCEDURE; PEACE OFFICERS**, generally
Drugs, See **DRUGS AND CONTROLLED SUBSTANCES AND DEVICES**
Election practices, 13-37-111, 13-37-125
Fetal death, 50-15-404
Fires, See **FIRES AND FIRE PROTECTION**
Food, See **FOOD AND FOOD PRODUCTS**
Hazardous substances — accidents, illness, or death caused by, 50-30-105, 50-30-106

INVESTIGATION (Continued)

Hotels and motels, by department of health and environmental sciences, 50-51-107, 50-51-301
Occupational health — prevention, control, and abatement, 50-70-105
Peace officers, confidential license plates and registration for, See **MOTOR VEHICLE LICENSE PLATES, Confidential plates and registration**
Tax, See **TAXATION**
Venereal disease, authority of department of health and environmental sciences, 50-18-107

INVESTIGATORS

See **PRIVATE INVESTIGATORS AND PATROL OPERATORS**

INVESTMENT COMMISSIONER

See **STATE AUDITOR, Securities Commissioner, Office of**

INVESTMENT COMPANIES

See **BANKS AND TRUST COMPANIES**, generally

INVESTMENT PROGRAM, UNIFIED, Title 17, chapter 6, part 2

See **INVESTMENTS, BOARD OF**, generally

INVESTMENTS

See also **SECURITIES AND SECURITIES REGULATION**

Banks and trust companies, See **BANKS AND TRUST COMPANIES**
Board of, See **INVESTMENTS, BOARD OF**
Building and loan associations, See **BUILDING AND LOAN ASSOCIATIONS**
Chain distributor schemes unlawful, 45-6-319
Common trust funds, Title 32, chapter 1, part 7, See **BANKS AND TRUST COMPANIES**
Corporate power, 35-1-108, 35-2-107, 35-4-215
Credit unions, See **CREDIT UNIONS**
Development credit corporations, 32-4-201
Electronic funds transfer terminal corporations, as, 32-6-203
Fraternal benefit societies, by, 33-7-403
Housing, Board of — by, 90-6-104, 90-6-108
Insurers
- farm mutual, by, 33-4-403
- foreign, by, 33-2-103
- generally, See **INSURERS ORGANIZATION AND REGULATION GENERALLY, Investments**
- subsidiaries, investment services by, 33-2-1102

Investment companies, See **BANKS AND TRUST COMPANIES**
Nonprofit corporations, by, 35-2-107
Professional service corporations, by, 35-4-215
Public funds, See **INVESTMENTS, BOARD OF**, generally
Receiver, by, 27-20-303
Savings and loan associations, See **BUILDING AND LOAN ASSOCIATIONS**
Savings banks, See **BANKS AND TRUST COMPANIES**
Trust companies, See **BANKS AND TRUST COMPANIES**

INVESTMENTS, BOARD OF

Administration of unified investment program, 17-6-201
Agency assistance by, 17-6-201
Agriculture, Department of — investments for
- earmarked revenue fund, 80-9-207

INVESTMENTS, BOARD OF (Continued)

Agriculture, Department of (Continued)
  funds generally, 80-4-119
  wheat research and marketing account, funds from, 80-11-210
Alfalfa seed assessment money, investment, 80-11-310
Allocation, 2-15-1005
Attorney general, supervision for purchase of property in name of state, 2-15-501
Authority, 17-6-201
Bonds
  employment security building, purchase, 17-5-609, 17-5-619
  redemption prior to maturity, 17-6-213
Coal severance tax bonds, investment, 17-5-718
Coal severance tax fund, See **TREASURY FUNDS AND ACCOUNTS, Investment funds**
Composition, 2-15-1005
Deeds, execution by, 17-6-201
Depositories
  agency funds, consent for, 17-2-202, 17-6-105
  public funds, 17-6-101
Deposits of public funds, See **Public funds**
Duties, generally, 17-6-201
Employment security building bonds, purchase, 17-5-609, 17-5-619
Endowment fund, See **TREASURY FUNDS AND ACCOUNTS, Investment funds**
Fire department relief association disability and pension fund, investment, 19-11-403, 19-11-606
Firefighters' unified retirement funds, investment, 19-13-502
Funds, See **TREASURY FUNDS AND ACCOUNTS, Investment funds**
Game wardens' retirement account, investment, 19-8-402, 19-8-403
General fund warrants, investment procedures, 17-6-212
Hail Insurance, Board of — funds invested for, 80-2-222
Highway patrolmen's retirement account, investment, 19-6-405
Investment funds, See **TREASURY FUNDS AND ACCOUNTS**
Investment officer and assistant
  employment and duties, 2-15-1005
  statewide classification and pay plans, applicability, 2-18-103
Land Commissioners, Board of — authority regarding funds, 77-1-202
Limitations on investments, when, 17-6-211
Livestock, departmental earmarked revenue accounts — investment, 81-1-104
Local government
  bonds, redemption prior to maturity, 17-6-213
  funds invested when, 17-6-204
Local impact and education trust fund account, investment, 90-6-211
Mortgages
  custody and control, 17-6-221
  permissible investments, as, 17-6-211
Permissible investments, enumeration, 17-6-211
Personnel, 2-15-1005
Police officers' retirement funds, investment, 19-9-502, 19-10-203
Pooled investment fund, See **TREASURY FUNDS AND ACCOUNTS, Investment funds**
Preference to firms with Montana offices, 17-6-211
Prudent man rule, 17-6-201
Public employees' retirement fund
  cash and securities, certification, 19-3-306
  investment, 19-3-601, 19-3-602
Public funds, See also **State funds**
  deposits, supervision, 17-6-101
  interest, 17-6-104
  security for deposits
    investment of, 17-6-211
    requirements, 17-6-102, 17-6-103
  withdrawal, 17-6-101
Quasi-judicial, designation as, 2-15-1005

INVESTMENTS, BOARD OF (Continued)

Repurchase agreements, custody and control, 17-6-221
Resource development account, investment of moneys in, 77-1-609
Resource indemnity trust account, investment, 15-38-202
Restrictions on investments, when, 17-6-211
Retirement funds, See **TREASURY FUNDS AND ACCOUNTS, Retirement system funds**
School district bonds
  notice of sale, 20-9-431
  proceedings, transcripts, 20-9-436
  purchase, 20-9-433, 20-9-435
  redemption, notice, 20-9-441
School district moneys, investment when, 7-6-2701, 7-6-2802, 7-7-2112, 20-9-213
Securities
  handling procedures, 17-6-221
  lending program, approval, 17-1-113
  permissible investments, as — enumeration, 17-6-211
  sale, 17-6-201
Sheriffs' retirement account, investment, 19-7-405
Social security contribution account, investment, 19-1-602
State funds, See also **Public funds**
  investment, authority and extent, 17-6-201
  withdrawal, 17-6-201
Tax protest fund, investment, 15-1-402
Teachers' retirement fund, investment, 19-4-501
Treasury cash, surplus — investment, 17-6-201
Unified investment program, Title 17, chapter 6, part 2, See this category, generally
Warrants, general fund — investment procedures, 17-6-212

INVESTMENT SECURITIES

  See **SECURITIES AND SECURITIES REGULATION**

INVOLUNTARY DEPOSIT

  See **BAILMENT AND BAILEES**

INVOLUNTARY SERVITUDE

Unlawful, 45-5-303

IONIZING RADIATION

  See **RADIOACTIVE SUBSTANCES**, generally

IRON

  See generally **MINES AND MINING; STATE LANDS, Mining leases**

IRRIGATION

Beaver, damage by — killing or trapping allowed when, 87-3-501
Conservation of water supplies, 85-9-102, See **WATER CONSERVANCY DISTRICTS**
Daly ditch water project abandonment, Title 85, chapter 1, part 4
Development of water supplies, 85-9-102, See **WATER CONSERVANCY DISTRICTS**
Districts, See **IRRIGATION DISTRICTS**
Ditches, See also **CANALS, DITCHES, AND FLUMES**, generally
  beavers, removal allowed when, 87-3-501
  city regulation, 7-31-4103
  fish screens and wheels, installation when, 87-1-222
  muskrats, removal allowed when, 87-3-501
Federal projects, sale of state land within, See **STATE LANDS, Sales**
Flood control projects, See **FLOODS, Control projects**
Highways, irrigable land acquired for, 60-4-109

IRRIGATION (Continued)

Mining operations, revegetation projects, 82-4-233
Muskrats, damage by — killing or trapping allowed when, 87-3-501
Pollution controls, See **WATER QUALITY**, generally
Projects, See **CONSERVATION DISTRICTS**, generally
Sprinkler systems, tax exemption, 15-6-212
Streambed protection, See **RIVERS AND STREAMS**
Taxation, See **TAXATION**
Utility lines, relocation, See **UTILITIES, Overhead lines, relocation**
Water conservation projects, See **FLOODS, Control projects**

IRRIGATION DISTRICTS

Acreage, See **Alteration; Assessments**
Actions, Title 85, chapter 7, part 22
Alteration, Title 85, chapter 7, part 18
Appeals, Title 85, chapter 7, part 22
Assessments, Title 85, chapter 7, parts 18 and 21
  delinquency sale, 35-1-604
Audits of, See **ADMINISTRATION, DEPARTMENT OF, Audits of governmental entities**
Bankruptcy, Title 85, chapter 7, part 20
Beaver or muskrat, damages by — killing or trapping allowed when, 87-3-501
Board of Commissioners, See **Commissioners**
Bonds, Title 85, chapter 7, part 20, See also **BOND ISSUES, PUBLIC**, generally
  insurers, investment in, 33-2-815, See also **INSURERS ORGANIZATION AND REGULATION GENERALLY, Investments**
  payment funds, liability, 20-9-445, 20-9-446
Boundaries, See **Alteration; Assessments**
Commissioners, See also **WATER, Commissioners**
  elections, See **Elections**
  generally, Title 85, chapter 7, part 15
Contracts for public works, See **PUBLIC CONTRACTS**, generally
Creation
  adjudicated streams, Title 85, chapter 7, part 2
  common water supply, Title 85, chapter 7, part 3
  generally, Title 85, chapter 7, part 1
Dissolution, Title 85, chapter 7, part 10
Elections, Title 85, chapter 7, part 17
Funding, Title 85, chapter 7, parts 20 and 21
General provisions, Title 85, chapter 7, part 22
Highways, irrigable land acquired for, 60-4-109
Indebtedness, Title 85, chapter 7, part 20
Joint operations, Title 85, chapter 7, part 16
Motor vehicle license plates, See **MOTOR VEHICLE LICENSE PLATES, Tax-exempt vehicles**
Natural Resources and Conservation, Department of — authority, Title 85, chapter 7
Officers, liability for bond payment funds, 20-9-445, 20-9-446
Operation, Title 85, chapter 7, part 19
Organization, Title 85, chapter 7, part 15
State land sales within, See **STATE LANDS, Sales**
Stream protection provisions, applicability, 87-5-507
Taxation, See **TAXATION**
Termination, See **Dissolution**
Vehicle license plates, See **MOTOR VEHICLE LICENSE PLATES, Tax-exempt vehicles**
Water commissioners, powers and duties, See **WATER, Commissioners**

ISLANDS

  See **REAL PROPERTY; STATE LANDS, Islands and abandoned riverbeds**

ISSUES

  See **BALLOT ISSUES; CIVIL PROCEDURE; CRIMINAL PROCEDURE**

State Law Library of Montana
3 0000 00282312 2

5/13/2016
AF 374237A 75 00
HF GROUP - IN